The Law Reports

INDEX 1991

Editors: CAROL ELLIS Q.C.
ROBERT WILLIAMS, Barrister

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FOR ENGLAND AND WALES
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1992

INTRODUCTION

This Red Index used with the four volumes of the *Law Reports Index* covering the years 1951 to 1990 will enable you to find any case reported since 1951 according to its title or subject matter.

The Index includes all the cases reported in

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Navigation

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ROAD TRAFFIC

Arrest

Validity

Constable's suspicion of motorist having alcohol in body—No reasonable cause for suspicion from manner of driving—Constable stopping motorist thereupon confirming earlier consumption of alcohol—Arrest on positive breath test—Whether arrest valid—Whether breath analysis evidence properly admitted—Road Traffic Act 1988, s. 6(1)(5)—Police and Criminal Evidence Act 1984, s. 78(1)

Director of Public Prosecutions v. McGladrigan, D.C. [1991] R.T.R. 297

Uniformed constable on routine traffic stop checks—No suspicion of motorist having alcohol in body—Motorist's denial—Arrest of motorist for failing to provide breath test specimen—Excess breath-alcohol revealed by analysis of breath specimen provided at police station—Justices exercising discretion to exclude evidence of police station procedure—Whether correct exercise of discretion—Road Traffic Act 1988, s. 6(1)(5)—Police and Criminal Evidence Act 1984, s. 78(1)

Director of Public Prosecutions v. Godwin, D.C. [1991] R.T.R. 303

Blood specimen

Analyst's certificate

Certificate served three days before summons return date—Defendant appearing and pleading not guilty—Six-week adjournment—Defendant convicted on adjourned hearing—Whether certificate served "not later than seven days before the hearing"—Whether admissible—Road Traffic Act 1972, s. 10(5) (as substituted by Transport Act 1981, s. 25(3), Sch. 8) **Williams v. Director of Public Prosecutions,** D.C. [1991] 1 W.L.R. 1160

Requirement

Camic Breath Analyser analysis revealing less than 50 microgrammes in 100 millilitres of breath—Sergeant informing defendant of right to provide either blood or urine and requiring blood specimen—Defendant asked whether having objection—Justices deciding requirement not properly made—Whether justices' decision proper—Road Traffic Act 1972, s. 8(1)(4)(6) (as substituted by Transport Act 1981, s. 25(3), Sch. 8)

Director of Public Prosecutions v. Byrne, D.C. [1991] R.T.R. 119

Breath specimen for analysis

Admissibility in evidence see also **Arrest:** *Validity*

Motorist arrested because of misunderstanding—Refusal to provide breath for analysis—Acquittal on charge of failure to provide roadside specimen for breath test—Evidence of proceedings in police station—Whether to be excluded—Whether reasonable excuse for failure to provide breath specimen for analysis

Thomas v. Director of Public Prosecutions (Note), D.C. [1991] R.T.R. 292

ROAD TRAFFIC—*continued*

Breath specimen for analysis—*continued*

Failure to provide specimen

Motorist informed of right to consult Codes of Practice immediately or later—Provision of specimen refused until after reading Codes of Practice—Police not correcting defendant's misapprehension or pointing to Note 3D—Whether "reasonable excuse"—Road Traffic Act 1972, s. 8(7) (as substituted by Transport Act 1981, s. 25(3), Sch. 8)—Police and Criminal Evidence Act 1984 (s. 66), Codes of Practice, C3.1(iii), Notes for Guidance 3D

Director of Public Prosecutions v. Whalley, D.C. [1991] R.T.R. 161

Motorist providing one specimen greatly exceeding prescribed limit—Attempting but failing to provide second one—Justices finding defendant ready and willing to provide second specimen—Whether reasonable excuse for failure—Road Traffic Act 1972, s. 8(7) (as substituted by Transport Act 1981, s. 25(3), Sch. 8)

Director of Public Prosecutions v. Eddowes, D.C. [1991] R.T.R. 35

Printout

Printout lost—Operator obtaining further printout from device—Operator giving oral evidence—Whether second printout original document—Whether admissible—Whether oral evidence of readings sufficient—Road Traffic Act 1972, ss. 6(1), 8(1), 10(1)(3) (as substituted by Transport Act 1981, s. 25(3), Sch. 8)

Director of Public Prosecutions v. Hutchings, D.C. [1991] R.T.R. 380

Reliability of device

Motorist failing roadside breath test—Analysis of breath specimen showing excess alcohol—Claim by motorist of consumption limited to half pint of lager—Evidence of glazed vision—Justices inferring device unreliable—Whether justified—Whether presumption raised by specimen analysis capable of rebuttal—Road Traffic Act 1972, ss. 6(1), 10(2) (as substituted by Transport Act 1981, s. 25(3), Sch. 8)

Director of Public Prosecutions v. Hill, D.C. [1991] R.T.R. 351

Disqualification

Driving while disqualified

Sentence—Two years' imprisonment of which 18 months suspended for three offences of driving while disqualified—During period of suspension six months' imprisonment for driving while disqualified as summary offence—Consecutive activation of 18 months—Whether two years' imprisonment wrong in principle—Whether only 12 months for consecutive activation in view of present maximum of six months for driving while disqualified—Road Traffic Act 1972, ss. 99(*b*), 177(1), Sch. 4, Pt. 1—Magistrates' Courts Act 1980, s. 133(1) (as amended by Criminal Justice Act 1982, s. 77, Sch., 14, para. 56)

Reg. v. Webb, C.A. [1991] R.T.R. 192

"Special reasons"

Excess breath-alcohol—Car at night driven slowly and without lights in well lit road towards garage 40 yards away—No danger to other road users—Finding of special reasons for not disqualifying or endorsing—Whether justified—Road Traffic Offenders Act 1988, ss. 34(1), 44(1)(2)

Director of Public Prosecutions v. Corcoran, D.C. [1991] R.T.R. 329

Drink

Blood alcohol

Procuring driving with excess blood-alcohol—Lacing drink with intention of preventing driving by person known to drink so little as to be able to drive lawfully—Impeded intention of informing person of lacing—Risk of person driving not contemplated—Whether procuring driving by principal offender—"Procures"—Accessories and Abettors Act 1861, s. 8 (as amended by Criminal Law Act 1977, s. 65(4), Sch. 12)—Magistrates' Courts Act 1980, s. 44(1)—Road Traffic Act 1988, s. 5(1)

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Driving or attempting to drive

Breath test requirement

Constable acting on anonymously provided information watching motorist start to drive away—No suspicion of alcohol until after motorist stopped—Whether constable entitled to act—Whether "reasonable cause to suspect" alcohol in motorist's body—Whether acting oppressively in not warning motorist of potential offence—Whether evidence of breath analysis to be excluded—Road Traffic Act 1988, s. 6(1)—Police and Criminal Evidence Act 1984, s. 78(1)

Director of Public Prosections v. Wilson, D.C. [1991] R.T.R. 284

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Fixed penalty

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Goods vehicle

Air brakes

London boroughs committee prohibiting use of heavy lorries in restricted streets during prescribed hours except by permit—Condition of permit requiring fitting of air brake silencer—Applicants' vehicles complying with Community legislation concerning braking and sound levels—Whether condition lawful—Road Traffic Regulation Act 1984, ss. 6(1)(3), 122 (as amended by the Local Government Act 1985, ss. 8, 102, Schs. 5, 17)—Greater London (Restriction of Goods Vehicles) Traffic Order 1985, arts. 3, 4, 7—Council Directive (70/157/E.E.C.), art. 2A—Council Directive (71/1320/E.E.C.), art. 2A

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Operator's licence

Exemption for vehicle carrying goods required for use in connection with machine—Cement mixing equipment fitted to, and irremovable from, vehicle—Sand and cement carried to site for mixing there into concrete by equipment—Whether required for use in connection with concrete mixer—Whether exemption from operator's licence—"Goods . . . required for use in connection with the machine"—Transport Act 1968, s. 60(2)(*b*)—Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984, Sch. 5, para. 17(*a*) **Director of Public Prosecutions v. Howard,** D.C. [1991] R.T.R. 49

Weight

Two-axle box lorry with unladen weight exceeding 2540 kilograms and operating weight not exceeding 7.5 tonnes—Use on outside lane of three-lane motorway—Whether prohibited—Whether "heavy motor car"—Whether also "goods vehicle"—Road Traffic Regulation Act 1984, ss. 17(2)(4), 86(1), 136(3), 138(3), Sch. 6 Pt. 1, item 5—Motorways Traffic (England and Wales) Regulations 1982, reg. 12(1)(2) (as substituted by Motorways Traffic (England and Wales) (Amendment) Regulations 1983, reg. 3)

McCrory v. Director of Public Prosecutions, D.C. [1991] R.T.R. 187

Licence

Endorsement

"Special reasons" for not endorsing—Police driver on training exercise—Instructions to treat red traffic signal as "Give Way" sign—Disregard of red traffic signal resulting in collision and police driver's plea of guilty to careless driving—Whether safety of lawful road users to take priority over realistic police training—Whether "special reasons"—Road Traffic Act 1972, s. 101(2)

Agnew v. Director of Public Prosecutions, D.C. [1991] R.T.R. 144

Motor vehicle

Forfeiture order see CRIME: **Sentence**

Unroadworthy condition

Charge preferred under Trade Descriptions Act 1968—Whether against legislative intention of Road Traffic Act 1988—Whether preferment proper—Whether sentence of immediate imprisonment proper—Whether motor trade to be aware of sanctions behind Act of 1968—Trade Descriptions Act 1968, ss. 1(1)(*b*), 18

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Negligence

Contributory negligence

Boy attempting to control football walking across busy road—Motorist's car striking boy when over centre of roadway—Motorist's limited opportunity for seeing boy—Negligence of motorist apportioned at 80 per cent.—Whether apportionment possible—Whether to be varied **Morales (An Infant) v. Eccleston,** C.A. [1991] R.T.R. 151

Seatbelt not worn by ambulance passenger injured by non-negligent braking—Notice indicating availability of seat belts—Attendant not exhorting use of belt and not pointing out notice—Whether negligence by employer of ambulance crew

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ROAD TRAFFIC—*continued*

Negligence—*continued*

Res ipsa loquitur

Brake failure causing van's collision with back of stationary vehicle—Driver unaware of defective brakes not negligent—Owner's evidence of full service six weeks before collision and M.O.T. test one month before collision—Whether sufficient to discharge owner's duty of care properly to maintain van **Worsley v. Hollins**, C.A. [1991] R.T.R. 252

Notice of intended prosecution

Warning

Careless driver injured in serious accident unconscious and in intensive care with no recollection of accident—Whether prosecutor under duty to serve notice of intended prosecution—Road Traffic Act 1972, s. 179(1)(2)(3A) (as amended by Road Traffic Act 1974, s. 24(2), Sch. 6, para. 22) **Director of Public Prosecutions v. Pidhajeckyj**, [1991] R.T.R. 136

Reckless driving

Causing death by

Pedestrian killed by car on opening road side door of taxi to enter—No blood-alcohol test on car driver at time of accident—Whether expert calculation as to blood-alcohol level at time of accident admissible—Whether inference of recklessness properly to be drawn from such evidence—Road Traffic Act 1972, s. 1(1)—Criminal Law Act 1977, s. 50(1) **Reg. v. Downes**, C.A. [1991] R.T.R. 395

Sentence—Causing death of more than one person by single incident of reckless driving—Whether aggravating feature—Road Traffic Act 1988, s. 1 **Reg. v. Chadwick**, C.A. [1991] R.T.R. 176

Sentence—Driving at night with excess alcohol and excessively fast—Eight months' imprisonment and disqualification for two years at Crown Court—Review on ground of undue leniency—Consideration of aggravating factors—Matters arising since sentence imposed—Whether affecting sentence not within guidelines brackets—Whether two years' imprisonment and four years' disqualification proper **Attorney-General's Reference (No. 15 of 1990)**, C.A. [1991] R.T.R. 195; 92 Cr.App.R. 194

Sentence—Driving during day with excess alcohol four times above permitted limit—Highly erratic and dangerous driving—Failure to see pedal cyclist riding ahead—Whether bad case—Whether four years' imprisonment too high—Whether 10-year disqualification too severe **Reg. v. Marshall (Gordon) (Note)**, C.A. [1991] R.T.R. 201

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Sentence—Driving with excess alcohol at excessive speed on wrong side of road—Pedestrian crossing road struck and projected some 30 yards—Nine months' detention in young offender institution and five-year disqualification—Review on ground of undue leniency—Mitigation factor of offender having to face sentencing twice over—Whether 18 months proper **Attorney-General's Reference (No. 24 of 1990)**, C.A. [1991] R.T.R. 113

Sentence—Features aggravating offence—Whether cases capable of categorisation—Whether reckless driving justifying imprisonment—Whether matter of judgment in each case **Reg. v. Smith (Gary)**, C.A. [1991] R.T.R. 109

Sentence—Fog limiting visibility to 40 feet—Driver on single carriageway overtaking two box vans travelling one behind other at 35 m.p.h.—Collision with oncoming car—Nine months' imprisonment—Whether appropriate—Whether need for judges to mark seriousness of such driving in such conditions **Reg. v. Noden**, C.A. [1991] R.T.R. 32

Sentence—Motorist with slight excess of alcohol in system driving with passenger at excessive speed—Collision averted by motorist driving on to near side pavement—Two pedestrians and passenger killed—Two years' imprisonment and 10 years' disqualification—Whether imprisonment excessive—Whether disqualification to be reduced to three years—Whether killing three people to be punished more severely than killing one by similar piece of driving—Road Traffic Act 1988, s. 1—Road Traffic Offenders Act 1988, ss. 9, 34(1) **Reg. v. Pettipher (Note)**, C.A. [1991] R.T.R. 183

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Reckless driving—*continued*

Causing death by—*continued*

Sentence—38-ton articulated lorry driven excessively fast on motorway approaching junction with traffic queuing to turn off—Particular dangers in circumstances of case not covered by guidelines—Whether 18 months' imprisonment appropriate—Road Traffic Act 1988, s. 1 **Reg. v. Mawson,** C.A. [1991] R.T.R. 418

Woman crossing road hit by motorist when one step from pavement—No explanation for not seeing her—Motorist not stopping thinking he had hit lamp post—Whether evidence of reckless driving—Whether bystander observer test satisfactory—Road Traffic Act 1972, s. 1 (as substituted by Criminal Law Act 1977, s. 50(1)) **Reg. v. Hives,** C.A. [1991] R.T.R. 27

Offence

Motorist with obvious excess breath-alcohol involved in road traffic accident—No evidence of circumstances surrounding accident—Whether proof of driving recklessly—Road Traffic Act 1988, s. 2 **Hand v. Director of Public Prosections,** D.C. [1991] R.T.R. 225

Sentence

Car driven on motorway at night with headlights on full beam—Aggressive reaction to flashing light of dazzled driver—Deliberate bad driving putting others at risk—Three months' prison sentence with two years' disqualification and order to take test of competence to drive—Whether to be criticised—Whether need for proper regard for other road users **Reg. v. Bannister,** C.A. [1991] R.T.R. 1

Use of car as weapon—Pleas of guilty to reckless driving and unlawful wounding—Offences occurring over short distance and within short period of time—Immediate prison sentences upheld **Reg. v. Jones,** C.A. (1991) 93 Cr.App.R. 169

23-year-old with previous motoring convictions including reckless driving and no previous imprisonment—Use of car as battering ram, causing pedestrians to run from road to avoid being hit—Nine months' imprisonment and five-year disqualification—Whether prison term excessive—Whether disqualification excessive—Powers of Criminal Courts Act 1973, s. 20(1)—Road Traffic Offenders Act 1988, s. 97(1) **Reg. v. King (Daniel),** C.A. [1991] R.T.R. 62

Road

Car park

Multi-storey car park—No barrier preventing access at midnight—Presence of cars and police constable on beat—Justices using own local knowledge in decision—Whether evidence for reasonable tribunal to find car park as "public place"—Road Traffic Act 1972, s. 6(1)(*a*) (as amended by Transport Act 1981, s. 25(3), Sch. 8) **Bowman v. Director of Public Prosecutions,** D.C. [1991] R.T.R. 263

Caravan park

Entry limited to caravanners and campers prepared to comply with site owners' requirements including payment—Whether fondess for camping and caravanning sufficient to constitute special class—Whether caravan park "place to which the public has access"—Road Traffic Act 1988, ss. 5(1)(*a*), 192(1) **Director of Public Prosecutions v. Vivier,** D.C. [1991] R.T.R. 205

Special type of vehicle

"Trailer"

Recovery vehicle with fixed arm to assist in recovery and carriage of broken-down vehicle—Substantial part of broken-down vehicle's weight borne by recovery vehicle—Whether motor tractor, light locomotive or heavy locomotive subject to 40 m.p.h. speed limit—Whether vehicle itself constructed to carry load—Road Traffic Regulation Act 1984, ss. 136(1)(6)(7), 137(2)(3) **Director of Public Prosecutions v. Holtham,** D.C. [1991] R.T.R. 5

Sum of axle weights not exceeding 750 kg—Braking system fitted—Brakes defective—Whether regulation requiring maintenance of braking system in good and effective order and proper adjustment applicable—Whether onus on prosecution to prove trailer's gross axle weight—Road Vehicles (Construction and Use) Regulations 1986, regs. 15, Table, item 7, 16 **Director of Public Prosecutions v. Young,** D.C. [1991] R.T.R. 56

ROAD TRAFFIC—*continued*

Urine sample

Analysis

Admissibility in evidence—Breath specimen seen to have less than 50 microgrammes of alcohol—Motorist requesting replacement by urine specimen—Constable thinking non-tested breath analysis device defective for non-production of printout—Requirement of urine specimen by constable—Motorist not withdrawing request on device producing printout—Whether urine specimen analysis admissible in evidence—Road Traffic Act 1988, s. 8 **Jones v. Director of Public Prosecutions,** D.C. [1991] R.T.R. 41

Use on road

"Use"

Employee driving vehicle with defective braking system—Employer operating system of monthly servicing—No clear finding by justices of recklessness or shutting of eyes to risk—Whether employer permitting use on road—Road Traffic Act 1972, s. 40(1)(5)
Robinson v. Director of Public Prosecutions, D.C. [1991] R.T.R. 315

SALE OF GOODS

Delivery by sea

Demurrage

Contract for sale c.i.f. free out Lorient, France—Congestion at port of discharge—Vessel unable to berth immediately—Whether time only to count when vessel actually berthed
Etablissements Soules et Cie v. Intertradex S.A., C.A. [1991] 1 Lloyd's Rep. 378

Sale and purchase of Brent crude oil—Vessel delayed in berthing—Appropriate demurrage rate to be applied—Whether time lost in berthing of vessel due to bad weather to count
Fina Supply Ltd. v. Shell UK Ltd., Waller J. [1991] 1 Lloyd's Rep. 452

F.o.b.

Carrying charges

Sellers guaranteeing to load vessel at rate of 3000 tonnes—Buyer obtaining extended delivery period—Sellers unable to achieve guaranteed loading rate—Whether buyers liable for carrying charges during extended delivery period—Whether sellers taking advantage of own breach—Whether contract containing implied term
Richco International Ltd. v. Alfred C. Toepfer International G.m.b.H., Potter J. [1991] 1 Lloyd's Rep. 136

Loading

Cargo of maize to be shipped f.o.b. Rosario—Vessel delayed due to congestion and documents not being in order—Whether sellers in breach of obligation to load—Whether buyers entitled to demurrage **Kurt A. Becker G.m.b.H. v. Roplak Enterprises,** Phillips J. [1991] 1 Lloyd's Rep. 277
C.A. [1991] 2 Lloyd's Rep. 23

Nomination of vessel

Buyers nominating vessel—Sellers rejecting nomination as uncontractual—Whether rejection justified—Whether nomination clause condition
Richco International Ltd. v. Bunge & Co. Ltd., Phillips J. [1991] 2 Lloyd's Rep. 93

Tender of documents

Sellers failing to tender documents—Whether sellers' duty to tender documents under f.o.b. contract same as c.i.f. seller—Whether sellers only in default after documents non-marketable—Whether date of default same date as date sellers in breach of obligation to tender documents promptly
Concordia Trading B.V. v. Richco International Ltd., Evans J. [1991] 1 Lloyd's Rep. 475

Implied term

Merchantable quality

Painting described by seller as being by certain artist—Buyer viewing painting—Seller disclaiming any knowledge of artist's work—Painting later found to be forgery—Whether sale by description—Whether painting of merchantable quality—Sale of Goods Act 1979, ss. 13(1), 14(2)(6)
Harlingdon and Leinster Enterprises Ltd. v. Christopher Hull Fine Art Ltd., C.A. [1991] 1 Q.B. 564; [1990] 3 W.L.R. 13

Property, when passing

Retention of title

Contract governed by Scots law—Condition of sale whereby sellers retained title to goods delivered until all debts paid to sellers and associated companies—Whether enforceable—Sale of Goods Act 1979, ss. 17, 19(1) **Armour v. Thyssen Edelstahlwerke A.G.,** H.L.(Sc.) [1991] 2 A.C. 339; [1990] 3 W.L.R. 810

SALE OF GOODS—*continued*

Repudiation

Nomination of vessel

Sale of cargo of oil (f.o.b.)—Buyers' right to nominate vessel subject to acceptance by terminal operator—Whether sellers having to obtain acceptance from terminal operator before accepting buyers' nomination—Whether sellers in breach of obligation—Whether buyers' repudiation justified

Phibro Energy A.G. v. Nissho Iwai Corpn., C.A. [1991] 1 Lloyd's Rep. 38

Title to sue

Short delivery

Sale of cargo of oil on c.i.f. terms by second plaintiffs to first plaintiffs—First plaintiffs alleging short delivery—Whether first plaintiffs having title to sue—Whether missing oil retained on board—Whether lost in refinery—Whether plaintiffs entitled to damages.

Anonima Petroli Italiana S.p.A. v. Marlucidez Armadora S.A., Leggatt J. [1990] 1 Lloyd's Rep. 354
C.A. [1991] 2 Lloyd's Rep. 337

SHIPPING

Bill of lading

Cargo, damage to

Bill of lading showing incorrect quantity—Substitute bills issued containing endorsements not contained in originals—Whether service out of jurisdiction properly effected—Whether contract governed by substitute bills—Whether plaintiff having good arguable case—Whether action to be stayed **Pride Shipping Corpn. v. Chung Hwa Pulp Corpn.**, Webster J. [1991] 1 Lloyd's Rep. 126

Cargo found to be damaged on discharge—Whether vessel unseaworthy—Whether proper law of contract English or Greek—Whether carriers entitled to limit liability

Hellenic Steel Co. v. Svolamar Shipping Co. Ltd., Leggatt J. [1990] 1 Lloyd's Rep. 541
C.A. [1991] 1 Lloyd's Rep. 370

Cargo of oil on board vessel with no operative heating coils—Plaintiffs purchasing cargo from shippers—Whether plaintiffs aware vessel having no heating system—Whether contract to be implied between plaintiffs and defendants—Whether Hague-Visby Rules incorporated—Whether vessel unseaworthy—Whether defendants owing plaintiffs duty of care in tort or bailment—Quantum

Mitsui & Co. Ltd. v. Novorossiysk Shipping Co., Hirst J. [1991] 1 Lloyd's Rep. 456

Sale of cargo order

Cargo of rice originally consigned to Ministry of Defence in Somalia—Purported representative of Somalia instructing vessel to carry cargo to West Africa—Instructions challenged by other Somali interests—Charterers' application for cargo to be sold—Whether application to be granted

Aleko Maritime Co. Ltd. v. Woodhouse Drake & Carey Suisse S.A., Hirst J. [1991] 2 Lloyd's Rep. 277

Seaworthiness

Vessel sustaining major engine breakdown—Cargo owners incurring salvage expenditure—Whether recoverable from owners—Whether owners exercising due diligence to make vessel seaworthy—Hague-Visby Rules, art. IV, r. 1

The Antigoni, Anthony Diamond Q.C. [1990] 1 Lloyd's Rep. 45
C.A. [1991] 1 Lloyd's Rep. 209

Charterparty

Cargo, damage to

Containers stowed on deck—Adverse weather—Stow of containers shifting—Damage caused to containers and vessel—Whether owners liable—Whether cargo carried "at charterers' risk" **Exercise Shipping Co. Ltd. v. Bay Maritime Lines Ltd.**, Evans J. [1991] 2 Lloyd's Rep. 391

Dangerous cargo

Anti-oxidant treated bagged fishmeal carried from Peru to China—Smell of burning while cargo being unloaded—Shipowners incurring "increased costs of discharge"—Whether cargo conforming to contractual description—Whether shipowners accepting risk of heating in improperly treated fishmeal—Whether shipowners entitled to damages

General Feeds Inc. v. Burnham Shipping Corpn., Evans J. [1991] 2 Lloyd's Rep. 101

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Demurrage

Laytime—Contractual rate of discharge based on available workable hatch basis—Whether hatch over empty cargo hold workable—Whether hatch workable if no ship's gear to work it—Whether clause provided for overall rate of discharge

President of India v. Jebsens (U.K.) Ltd., Webster J. [1987] 2 Lloyd's Rep. 354
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Notice of readiness—Vessel arriving at Bombay—Whether vessel "entered at custom house"—Whether vessel legally ready to discharge when notice of readiness tendered

Antclizo Shipping Corpn. v. Food Corpn of India (No. 2),
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Freight

Clause requiring balance to be paid on "settlement"—Proper construction of word "settlement"—Date when owners' action accruing

Anclizo Shipping Corpn. v. Food Corpn. of India (No. 2),
Hirst J. [1991] 2 Lloyd's Rep. 485

Guarantee

Charterers' brokers guaranteeing by telephone and telex charterers' liability for demurrage and freight—Written charterparty containing guarantee by broker about outstanding demurrage and balance freight—Unclear whether broker signing as agent or principal—Whether sufficient note or memorandum of guarantee—Statute of Frauds 1677, s. 4

Elpis Maritime Co. Ltd. v. Marti Chartering Co. Inc., C.A. [1991] 1 Lloyd's Rep. 521
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Insurance premiums

War risks insurance—Charterers placing insurance at request of owners and paying premiums—Charterers claiming reimbursement—Owners disputing insured value for hull and machinery cover and war risks premium on crew—Whether charterers entitled to reimbursement

Islamic Republic of Iran Shipping Lines v. Zannis Compania Naviera S.A.,
Hobhouse J. [1991] 2 Lloyd's Rep. 265

Safe port

Iran-Iraq war—Vessel ordered to load at Ruwals—Owners considering port to be dangerous—Whether owners entitled to disregard charterers' orders—Whether Ruwals dangerous—Whether owners wrongfully repudiating charter

Abu Dhabi National Tanker Co. v. Product Star Shipping Ltd. (No. 2),
Judge Diamond Q.C. [1991] 2 Lloyd's Rep. 468

Vessel trading between Ethiopean ports of Assab and Massawa—Charterers ordering vessel to Massawa—Vessel attacked by Eritrean guerillas—Owners claiming loss suffered by them as result of casualty—Whether Massawa safe port

K/S Penta A/S v. Ethiopian Shipping Lines Corpn.,
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Time charter

Hire—Delayed in paying sums due under charter—Owners alleging loss of interest as result of delay—Whether owners entitled to damages

Chiswell Shipping Ltd. v. National Iranian Tanker Co.,
Hobhouse J. [1991] 2 Lloyd's Rep. 251

Hire—Equitable set-off—Charterers alleging owners' breach of charter causing delay to vessel—Charterers suffering loss and expense—Whether such loss and expense to be deducted from hire due to owners

Century Textiles and Industry Ltd. v. Tomoe Shipping Co. (Singapore) Pte. Ltd.,
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Owners' lien for unpaid hire—Vessel sub-subchartered—Dispute between owners and head charterers—Owners having lien upon "all subfreights" for any amounts due under head charter—Whether owners' lien extending to hire due under sub-sub-time charter—New York Produce Exchange form, cl. 18

Care Shipping Corpn. v. Itex Itagrani Export S.A., Steyn J. [1991] 3 W.L.R. 609

SHIPPING—*continued*

Charterparty—*continued*

Time charter—*continued*

Rectification—Charterparty documents unsigned—Owners claiming for over-performance of vessel—Whether contract contained in charterparty or fixture agreement—Whether hire adjustment provisions incorporated into charter—Whether contract to be rectified to exclude or modify clause **Atlantic Marine Transport Corpn. v. Coscol Petroleum Corpn.,** Evans J. [1991] 1 Lloyd's Rep. 246

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Redelivery—Vessel let for about 10 months maximum 12 months—Charterers concluding sub-charter—Owners alleging proposed last voyage illegitimate—Whether charterers entitled to order vessel to undertake last voyage starting before latest time for redelivery **Hyundai Merchant Marine Co. Ltd. v. Gesuri Chartering Co. Ltd.,** C.A. [1991] 1 Lloyd's Rep. 100

Collision

Negligence

Dead ship in defendants' dockyard awaiting repairs—Defendants mooring ship to harbour buoy to ride out typhoon—Vessel breaking free—Damage caused to plaintiffs' jetty and other installations—Whether defendants negligent in failing to take proper precautions to safeguard ship against typhoon risks—Whether owing plaintiffs duty of care **Mobil Oil Hong Kong Ltd. v. Hong Kong United Dockyards Ltd.,** P.C. [1991] 1 Lloyd's Rep. 309

Conflict of laws

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Building and do-it-yourself supplier

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SOCIAL SECURITY

Appeal to social security commissioner

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Claimant's appeal on question of validity of regulations made by Secretary of State—Whether commissioner having jurisdiction to determine validity of regulations—Whether jurisdiction in Court of Appeal to determine question on appeal from commissioner—Social Security Act 1975, s. 101 (as amended by Health and Social Services and Social Security Adjudications Act 1983, s. 25, Sch. 8, para. 1(3) and by Social Security Act 1989, s. 21, Sch. 3, paras. 3, 6)

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Recovery

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Overpayment

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Conspiracy

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Unlawful interference with business

Take-over bid—Misrepresentations to Secretary of State to prevent bid being referred to Monopolies and Mergers Commission—Competitor prevented from bidding for share capital—Whether case to be met—Whether statement of claim to be struck out

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TOWN PLANNING

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Preservation and enhancement policy

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TRADE DESCRIPTION

False description

Car

Reduced mileage recorded on odometer when acquired by dealers—Dealers aware that record incorrect—Failure to check records or make disclaimer before sale—Whether dealers supplying car to which false trade description "is applied"—Trade Descriptions Act 1968, s. 1(1)(*b*) **Swithland Motors Ltd. v. Peck**, D.C. [1991] R.T.R. 322

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Eight odometers "clocked" by employee with employer's knowledge on offer for sale of cars—Six months imprisonment on each count concurrent—Whether sentence excessive—Whether three months concurrent to be imposed and fine on each count—Trade Descriptions Act 1968, ss. 1(1)(*a*), 18(*b*) **Reg. v. Hewitt**, C.A. [1991] R.T.R. 357

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TRADE UNION

Election

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Application to court for declarations as to validity of election—Previous application to certification officer still pending—Whether court having jurisdiction to entertain application before termination of proceedings before certification officer—Trade Union Act 1984, ss. 5(1), 6(3) (as amended by Employment Act 1988, s. 33, Sch. 3, Pt. I, para. 5(4))
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TRINIDAD AND TOBAGO

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Human rights and fundamental freedoms

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TRUST FOR SALE

Family home

Beneficial interests

Unmarried couple—Man purchasing property in own name—Woman supporting him in his business interests, looking after home and caring for their children—Dispute as to ownership of assets—Conduct of proceedings—Ascertainment of beneficial interests of parties **Hammond v. Mitchell,** Waite J. [1991] 1 W.L.R. 1127

TRUSTS

Constructive trust

Fraud

Plaintiff's employee forging payment order in favour of company incorporated by defendant accountants—Accountants put on inquiry about fraud on plaintiff—Accountants transferring money to other accounts on behalf of clients—Whether money recoverable from accountants as money had and received—Whether money traceable as trust funds—Whether accountants knowingly assisted in furtherance of fraudulent design
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Lloyds Bank Plc. v. Rosset, C.A. [1989] Ch. 350; [1988] 3 W.L.R. 1301 H.L.(E.) [1991] 1 A.C. 107; [1990] 2 W.L.R. 867

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Variation

Committee of management wishing to increase pension benefits by amendment of rules—Company having power to withhold consent—Whether obligation on company to act in good faith—Whether power subject to limitation

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Duty of trustee

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VENDOR AND PURCHASER

Completion

Delay in completion

Sale of hotels—Delay by Land Registry in registering vendor's interest—Vendor unable to deduce title in accordance with contract—Purchaser serving notice making time of the essence—Notice giving vendor seven days to deduce title—Whether notice reasonable

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Exercise of option

Agreement creating option to purchase land—Agreement in two parts signed by parties and incorporating terms—Purchaser unilaterally exercising option—Whether contract for sale constituted by exercise of option or agreement granting option—Law of Property (Miscellaneous Provisions) Act 1989, s. 2

Spiro v. Glencrown Properties Ltd., Hoffmann J. [1991] Ch. 537; [1991] 2 W.L.R. 931

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Plaintiff and pilot agreeing to go on flight in aircraft after drinking alcohol together for hours—Plaintiff's claim for personal injuries suffered in crash of aircraft—Whether plea of volenti non fit injuria defence to claim

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"Value of the land"—Land Compensation Act 1961, s. 5, r. (4)
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Abbey National Building Society v. Cann [1989] 2 F.L.R. 265; 57 P.&.C.R. 381, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 A.C. 56; [1990] 2 W.L.R. 832, H.L.(E.)

Abbey National Building Society v. Cann [1991] 1 A.C. 56; [1990] 2 W.L.R. 832; [1990] 1 All E.R. 1085, H.L.(E.). **Followed,** *Lloyds Bank Plc. v. Rosset* [1991] 1 A.C. 107; [1990] 2 W.L.R. 867, H.L.(E.)

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Agip (Africa) Ltd. v. Jackson [1990] Ch. 265; [1989] 3 W.L.R. 1367. **Decision of Millett J. affirmed** [1991] Ch. 547; [1991] 3 W.L.R. 116, C.A.

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Apple Fields Ltd. v. New Zealand Apple and Pear Marketing Board [1989] 3 N.Z.L.R. 158. **Decision of the Court of Appeal of New Zealand reversed** [1991] 1 A.C. 344; [1991] 2 W.L.R. 129, P.C.

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Aramis, The [1989] 2 Lloyd's Rep. 213, C.A. **Applied,** *Mitsui & Co. Ltd. v. Novorossiysk Shipping Co.* [1991] 1 Lloyd's Rep. 456

Aratra Potato Co. Ltd. v. Egyptian Navigation Co. [1981] 2 Lloyd's Rep. 119, C.A. **Applied,** *The Rewia* [1991] 1 Lloyd's Rep. 69

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Arkwright Mutual Insurance Co. v. Bryanston Insurance Co. Ltd. [1990] 2 Q.B. 649; [1990] 3 W.L.R. 705; [1990] 2 All E.R. 335. **Disapproved,** *In re Harrods (Buenos Aires) Ltd.* [1991] 3 W.L.R. 397, Harman J. and C.A.

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Arnold v. National Westminster Bank Plc. [1990] Ch. 573; [1990] 2 W.L.R. 304; [1990] 1 All E.R. 529, C.A. **Decision of the Court of Appeal affirmed** [1991] 2 A.C. 93; [1991] 2 W.L.R. 1177, H.L.(E.)

Ashover Fluor Spar Mines Ltd. v. Jackson [1911] 2 Ch. 355, 359. **Dictum of Eve J. disapproved,** *Thomas v. Bunn* [1991] 1 A.C. 362; [1991] 2 W.L.R. 27, H.L.(E.)

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Attorney-General v. Associated Newspaper Group Plc. [1989] 1 W.L.R. 322; [1989] 1 All E.R. 604, D.C. **Overruled,** *P. v. Liverpool Daily Post and Echo Newspapers Plc.* [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)

Attorney-General v. Jones [1990] 1 W.L.R. 859; [1990] 2 All E.R. 636, C.A. **Considered,** *Henry J. Garratt & Co. v. Ewing* [1991] 1 W.L.R. 1356, C.A.

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Attorney-General v. Lord Carrington (1843) 6 Beav. 454. **Applied,** *Thomas v. Bunn* [1991] 1 A.C. 362; [1991] 2 W.L.R. 27, H.L.(E.)

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Attorney-General v. Yeung Sun-shun [1987] H.K.L.R. 987, 998. **Dicta of Roberts C.J. applied,** *Liangsiriprasert (Somchai) v. Government of the United States of America* [1991] 1 A.C. 225; [1990] 3 W.L.R. 606, P.C.

Attorney-General *ex rel.* Yorkshire Derwent Trust Ltd. v. Brotherton [1990] Ch. 136; [1989] 2 W.L.R. 938; [1989] 2 All E.R. 423. **Decision of Vinelott J. reversed** [1991] Ch. 185; [1991] 2 W.L.R. 1, C.A.

Attorney-General *ex rel.* Yorkshire Derwent Trust Ltd. v. Brotherton [1991] Ch. 185; [1991] 2 W.L.R. 1, C.A. **Decision of the Court of Appeal reversed** [1991] 3 W.L.R. 1126, H.L.(E.)

Attorney-General for Northern Ireland v. Gallagher [1963] A.C. 349; [1961] 3 W.L.R. 619; [1961] 3 All E.R. 299, H.L.(N.I.). **Applied,** *R. v. Berry* [1991] 1 W.L.R. 125, C.A.

Attorney-General's Reference (No. 2 of 1989) (1989) 11 Cr.App.R.(S.) 481, C.A. **Considered,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

Attorney-General's Reference (No. 4 of 1989) [1990] 1 W.L.R. 41, 46; 90 Cr.App.R. 366, C.A. **Dictum of Lord Lane C.J. applied,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A. **Considered,** *Attorney-General's Reference (No. 15 of 1990)* [1991] R.T.R. 195; 92 Cr.App.R. 194, C.A.

Attorney-General's Reference (No. 9 of 1989) (1990) 12 Cr.App.R.(S.) 7, C.A. **Considered,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

Australian Coastal Shipping Commission v. Green [1971] 1 Q.B. 456; [1971] 2 W.L.R. 243; [1971] 1 All E.R. 353; [1971] 1 Lloyd's Rep. 16, C.A. **Considered,** *Corfu Navigation Co. v. Mobil Shipping Co. Ltd.* [1991] 2 Lloyd's Rep. 515

Ayerst v. C. & K. (Construction) Ltd. [1976] A.C. 167; [1975] 3 W.L.R. 16; [1975] 2 All E.R. 537, H.L.(E.). **Applied,** *In re Cases of Taffs Well Ltd.* [1991] 3 W.L.R. 731

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B. (A Minor) (Wardship: Medical Treatment), *In re* [1981] 1 W.L.R. 1421; [1990] 3 All E.R. 927, C.A. **Considered,** *In re J. (A Minor) (Wardship: Medical Treatment)* [1991] Fam. 33; [1991] 2 W.L.R. 140, C.A.

B.B.C. Enterprises Ltd. v. Hi-Tech Xtravision Ltd. [1990] Ch. 609; [1990] 2 W.L.R. 1123; [1990] 2 All E.R. 118, C.A. **Decision of the Court of Appeal affirmed** [1991] 2 A.C. 327; [1991] 3 W.L.R. 1, H.L.(E.)

Bailey (A Bankrupt) (No. 25 of 1975), *In re* [1977] 1 W.L.R. 278; [1977] 2 All E.R. 26, D.C. **Applied,** *In re Citro (Domenico) (A Bankrupt)* [1991] Ch. 142; [1990] 3 W.L.R. 880, C.A.

Bailey v. Rolls Royce (1971) Ltd. [1984] I.C.R. 688, C.A. **Distinguished,** *Whitfield v. H. & R. Johnson Tiles Ltd.* [1991] I.C.R. 109, C.A.

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Bank of Nova Scotia v. Hellenic Mutual War Risks Association (Bermuda) Ltd. [1990] 1 Q.B. 818; [1990] 2 W.L.R. 547; [1989] 3 All E.R. 628, C.A. **Decision of the Court of Appeal reversed** [1991] 2 W.L.R. 1279, H.L.(E.)

Banque Belge pour L'Etranger v. Hambrouck [1921] 1 K.B. 321, C.A. **Considered,** *Lipkin Gorman (a firm) v. Karpnale Ltd.* [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.). **Distinguished,** *Agip (Africa) Ltd. v. Jackson* [1991] Ch. 547; [1991] 3 W.L.R. 116, C.A.

Banque Keyser Ullmann S.A. v. Skandia (U.K.) Insurance Co. Ltd. [1990] 1 Q.B. 665; [1989] 3 W.L.R. 25; [1989] 2 All E.R. 952, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1991] 2 A.C. 249; [1990] 3 W.L.R. 364, H.L.(E.)

Barber v. Guardian Royal Exchange Assurance Group (Case C 262/88) [1991] 1 Q.B. 344; [1991] 2 W.L.R. 72; [1990] I.C.R. 616; [1990] 2 All E.R. 660, E.C.J. **Applied,** *Roberts v. Birds Eye Walls Ltd.* [1991] I.C.R. 43, E.C.J.; *Roscoe v. Hick Hargreaves & Co. Ltd.* [1991] I.C.R. 501. **Considered,** *McKechnie v. U.B.M. Building Supplies (Southern) Ltd.* [1991] I.C.R. 710

Barclays Bank Ltd. v. W. J. Simms Son & Cooke (Southern) Ltd. [1980] Q.B. 677; [1980] 2 W.L.R. 218; [1979] 3 All E.R. 522. **Considered,** *Citibank N.A. v. Brown Shipley & Co. Ltd.*; *Midland Bank Plc. v. Brown Shipley & Co. Ltd.* [1991] 2 All E.R. 690; [1991] 1 Lloyd's Rep. 576

Barclays Bank of Swaziland Ltd. v. Hahn [1989] 1 W.L.R. 506; [1989] 2 All E.R. 398, H.L.(E.). **Applied,** *India Videogram Association Ltd. v. Patel* [1991] 1 W.L.R. 173

Barclays Bank Plc. v. Kapur [1989] I.C.R. 753, C.A. **Decision of the Court of Appeal affirmed** [1991] 2 A.C. 355; [1991] 2 W.L.R. 401; [1991] I.C.R. 208, H.L.(E.)

Barclays Bank Plc. v. Kapur [1991] 2 A.C. 355; [1991] 2 W.L.R. 401; [1991] I.C.R. 208; [1991] 1 All E.R. 646, H.L.(E.). **Distinguished,** *Sougrin v. Haringey Health Authority* [1991] I.C.R. 791, E.A.T.

Barclays Bank Plc. v. Miller [1990] 1 W.L.R. 343; [1990] 1 All E.R. 1040, C.A. **Applied,** *Rath v. C.S. Lawrence & Partners* [1991] 1 W.L.R. 399, C.A.

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Barleycorn Enterprises Ltd., *In re* [1970] Ch. 465; [1970] 2 W.L.R. 898; [1970] 2 All E.R. 155, C.A. **Distinguished,** *In re M. C. Bacon Ltd.* [1991] Ch. 127; [1990] 3 W.L.R. 646

Barlow v. Whittle (trading as Micro Management) [1990] I.C.R. 270, 277–278, E.A.T. **Dicta disapproved,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.

Barnes v. Addy (1874) L.R. 9 Ch.App. 244. **Applied,** *Agip (Africa) Ltd. v. Jackson* [1991] Ch. 547; [1991] 3 W.L.R. 116, C.A.

Barnett, *Ex parte*, *In re* Deveze (1874) L.R. 9 Ch.App. 293. **Distinguished,** *In re Norman Holding Co. Ltd.* [1991] 1 W.L.R. 10

Bater v. Bater [1906] P. 209, C.A. **Applied,** *Callaghan v. Hanson-Fox* [1991] 3 W.L.R. 464

Bath Society, The v. Secretary of State for the Environment [1991] 1 W.L.R. 1303, C.A. **Considered,** *South Lakeland District Council v. Secretary of State for the Environment* [1991] 1 W.L.R. 1322, C.A.

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Blesgen v. Belgium (Case 75/81) [1982] E.C.R. 1211, E.C.J. **Applied,** *Quietlynn Ltd. v. Southend Borough Council (Case C 23/89)* [1991] 1 Q.B. 454; [1991] 2 W.L.R. 611, E.C.J.

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Borthwick v. Elderslie Steamship Co. Ltd. (No. 2) [1905] 2 K.B. 516, C.A. **Overruled,** *Thomas v. Bunn* [1991] 1 A.C. 362; [1991] 2 W.L.R. 27, H.L.(E.)

Boston v. W. S. Bagshaw & Sons [1966] 1 W.L.R. 1126; [1966] 2 All E.R. 906, C.A. **Distinguished,** *Kingshott v. Associated Kent Newspapers Ltd.* [1991] 1 Q.B. 88; [1990] 3 W.L.R. 675, C.A.

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Bowman v. Director of Public Prosecutions [1991] R.T.R. 263, D.C. **Considered,** *Director of Public Prosecutions v. Vivier* [1991] R.T.R. 205, D.C.

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C. & G. Homes Ltd. v. Secretary of State for Health [1991] Ch. 365; [1990] 1 W.L.R. 1272. **Decision of Ferris J. affirmed in part** [1991] Ch. 365; [1991] 2 W.L.R. 715, C.A.

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Caparo Industries Plc. v. Dickman [1990] 2 A.C. 605; [1990] 2 W.L.R. 358; [1990] 1 All E.R. 568, H.L.(E.). **Applied,** *James McNaughton Paper Group Ltd. v. Hicks Anderson & Co.* [1991] 2 Q.B. 113; [1991] 2 W.L.R. 641, C.A. **Considered,** *Ravenscroft v. Rederiaktiebølaget Transatlantic* [1991] 3 All E.R. 73. **Distinguished,** *Morgan Crucible Co. Plc. v. Hill Samuel & Co. Ltd.* [1991] Ch. 295; [1991] 2 W.L.R. 655, Hoffmann J. and C.A.

Cape Brandy Syndicate v. Inland Revenue Comrs. [1921] 2 K.B. 403, 414, C.A. **Dicta of Lord Sterndale M.R. applied,** *Comr. of Inland Revenue v. Hang Seng Bank Ltd.* [1991] 1 A.C. 306; [1990] 3 W.L.R. 986, P.C.

Cardiothoracic Institute v. Shrewdcrest Ltd. [1986] 1 W.L.R. 368; [1986] 3 All E.R. 633. **Considered,** *Javad v. Mohammed Aqil* [1991] 1 W.L.R. 1007, C.A.

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Central Control Board (Liquor Traffic) v. Cannon Brewery Co. Ltd. [1919] A.C. 744, H.L.(E.). **Distinguished,** *Sheffield City Council v. Yorkshire Water Services Ltd.* [1991] 1 W.L.R. 58

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Chappel v. Cooper [1980] 1 W.L.R. 958; [1980] 2 All E.R. 463, C.A. **Applied,** *National Westminster Bank Plc. v. Powney* [1991] Ch. 339; [1990] 2 W.L.R. 1084, C.A.

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Chewton Common, *In re* [1977] 1 W.L.R. 1242, 1249–1250; [1977] 3 All E.R. 509. **Dictum of Slade J. applied,** *Hampshire County Council v. Milburn* [1991] 1 A.C. 325; [1990] 3 W.L.R. 1240, H.L.(E.)

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Chiltern District Council v. Keane [1985] 1 W.L.R. 619; [1985] 2 All E.R. 118, C.A. **Distinguished,** *Bhimji v. Chatwani* [1991] 1 W.L.R. 989

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Clearbrook Property Holdings Ltd. v. Verrier [1974] 1 W.L.R. 243; [1973] 3 All E.R. 614. **Considered,** *Oxy-Electric Ltd. v. Zainuddin* [1991] 1 W.L.R. 115

Clinch v. Inland Revenue Comrs. [1974] Q.B. 76; [1973] 2 W.L.R. 862; [1973] 1 All E.R. 977. **Applied,** *New Zealand Stock Exchange v. Comr. of Inland Revenue* [1991] 2 A.C. 464; [1991] 3 W.L.R. 221, P.C.

Cloverbay Ltd. (No. 3), *In re* [1990] B.C.L.C. 471. **Decision of Harman J. affirmed** [1991] Ch. 90; [1990] 3 W.L.R. 574, C.A.

Cobb v. Whorton [1971] R.T.R. 392, D.C. **Applied,** *Director of Public Prosecutions v. Holtham* [1991] R.T.R. 5, D.C.

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Collier v. Hicks (1831) 2 B. & Ad. 663. **Considered,** *R. v. Leicester City Justices, Ex parte Barrow* [1991] 2 Q.B. 260; [1991] 2 W.L.R. 974, D.C. **Distinguished,** *R. v. Leicester City Justices, Ex parte Barrow* [1991] 2 Q.B. 260; [1991] 3 W.L.R. 368, C.A.

Collinge v. Heywood (1839) 9 Ad. & E. 633. **Considered,** *Firma C-Trade S.A. v. Newcastle Protection and Indemnity Association* [1991] 2 A.C. 1; [1990] 3 W.L.R. 78, H.L.(E.)

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Comr. of Income Tax, Bombay Presidency and Aden v. Chunilal B. Mehta of Bombay (1938) L.R. 65 Ind. App. 332, P.C. **Applied,** *Comr. of Inland Revenue v. Hang Seng Bank Ltd.* [1991] 1 A.C. 306; [1990] 3 W.L.R. 986, P.C.

Comr. of Inland Revenue v. Hang Seng Bank Ltd. [1989] 2 H.K.L.R. 236. **Decision of the Court of Appeal of Hong Kong affirmed on different grounds** [1991] 1 A.C. 306; [1990] 3 W.L.R. 986, P.C.

Comr. of Inland Revenue v. Hang Seng Bank Ltd. [1991] 1 A.C. 306, 322–323; [1990] 3 W.L.R. 986, P.C. **Applied,** *Yates v. GCA International Ltd.* (1991) T.C. Leaflet No. 3262

Comr. of Inland Revenue v. West-Walker [1954] N.Z.L.R. 191. **Distinguished,** *New Zealand Stock Exchange v. Comr. of Inland Revenue* [1991] 2 A.C. 464; [1991] 3 W.L.R. 221, P.C.

Comr. of Taxation of the Commonwealth of Australia v. Australia and New Zealand Banking Group Ltd. (1979) 143 C.L.R. 499. **Distinguished,** *New Zealand Stock Exchange v. Comr. of Inland Revenue* [1991] 2 A.C. 464; [1991] 3 W.L.R. 221, P.C.

Commonwealth Construction Co. Ltd. v. Imperial Oil Ltd. (1977) 69 D.L.R. (3d) 558. **Applied,** *Stone Vickers Ltd. v. Appledore Ferguson Shipbuilders Ltd.* [1991] 2 Lloyd's Rep. 288

Compania Portorafti Commerciale S.A. v. Ultramar Panama Inc. (No. 2) [1990] 2 Lloyd's Rep. 395, C.A. **Applied,** *Mitsui & Co. Ltd. v. Novorossiysk Shipping Co.* [1991] 1 Lloyd's Rep. 456

Conan Doyle's Will Trusts, *In re* [1971] Ch. 982; [1971] 2 W.L.R. 1408; [1971] 2 All E.R. 1377. **Disapproved,** *Paragon Group Ltd. v. Burnell* [1991] Ch. 498; [1991] 2 W.L.R. 854, Harman J. and C.A.

Congimex Companhia Geral de Commercio Importadora e Exportadora S.A.R.L. v. Tradax Export S.A. [1983] 1 Lloyd's Rep. 250, C.A. **Considered,** *Etablissements Soules et Cie v. Intertradex S.A.* [1991] 1 Lloyd's Rep. 378, C.A.

Connelly v. Director of Public Prosecutions [1964] A.C. 1254; [1964] 2 W.L.R. 1145; [1964] 2 All E.R. 401, H.L.(E.). **Applied,** *R. v. Truro and South Powder Justices, Ex parte McCullagh* [1991] R.T.R. 374, D.C. **Considered,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

Connoly Brothers Ltd., *In re* (No. 2) [1912] 2 Ch. 25, C.A. **Approved,** *Abbey National Building Society v. Cann* [1991] 1 A.C. 56; [1990] 2 W.L.R. 832, H.L.(E.)

Cookson v. Knowles [1979] A.C. 556; [1978] 2 W.L.R. 978; [1978] 2 All E.R. 604, H.L.(E.). **Distinguished,** *Corbett v. Barking, Havering and Brentwood Health Authority* [1991] 2 Q.B. 408; [1990] 3 W.L.R. 1037, C.A.

Coombs v. Kehoe [1972] 1 W.L.R. 797; [1972] 2 All E.R. 55; [1972] R.T.R. 224, D.C. **Distinguished,** *Director of Public Prosecutions v. Corcoran* [1991] R.T.R. 329, D.C.

Co-operative Centrale Raiffeisen-Boereleenbank B.A. v. Sumitomo Bank Ltd. [1987] 1 Lloyd's Rep. 345. **Considered,** *Bankers Trust Co. v. State Bank of India* [1991] 2 Lloyd's Rep. 443

Corke v. Rainger [1912] P. 69. **Applied,** *In re St. Botolph's, Bishopsgate* [1991] 1 W.L.R. 28

Council of Civil Service Unions v. Minister for the Civil Service [1985] A.C. 374; [1984] 3 W.L.R. 1174; [1985] I.C.R. 14; [1984] 3 All E.R. 935, H.L.(E.). **Applied,** *R. v. Secretary of State for the Environment, Ex parte Avon County Council* (1990) 89 L.G.R. 498, D.C.

County & District Properties Ltd. v. Lyell (Note) [1991] 1 W.L.R. 683, C.A. **Applied,** *Reynolds v. British Leyland Ltd.* [1991] 1 W.L.R. 675, C.A.

Courtaulds Northern Spinning Ltd. v. Moosa [1984] I.C.R. 218, E.A.T. **Distinguished,** *Fentiman v. Fluid Engineering Products Ltd.* [1991] I.C.R. 570, E.A.T.

Coventry Permanent Economic Building Society v. Jones [1951] 1 All E.R. 901. **Approved,** *Abbey National Building Society v. Cann* [1991] 1 A.C. 56; [1990] 2 W.L.R. 832, H.L.(E.)

Cox v. Riley (1986) 83 Cr.App.R. 54, 56, 57, 58, D.C. **Dicta of Stephen Brown L.J. considered,** *R. v. Whiteley* (1991) 93 Cr.App.R. 25, C.A.

Cox v. White (Note) [1976] R.T.R. 248, D.C. **Distinguished,** *Director of Public Prosecutions v. Vivier* [1991] R.T.R. 205, D.C.

Cracknell v. Willis [1988] R.T.R. 1, H.L.(E.). **Considered,** *Director of Public Prosecutions v. Hill* [1991] R.T.R. 351, D.C.

Craddock's Transport Ltd. v. Stuart [1970] N.Z.L.R. 499. **Not followed,** *Wall v. Radford* [1991] 2 All E.R. 741

Crampad International Marketing Co. Ltd. v. Thomas [1989] 1 W.L.R. 242, P.C. **Applied,** *Dabdoub v. Saba* [1991] 1 W.L.R. 315, P.C.

Craven v. White (Stephen) [1989] A.C. 398; [1988] 3 W.L.R. 423; [1988] 3 All E.R. 495, H.L.(E.). **Distinguished,** *Moodie v. Inland Revenue Comrs.* [1991] 1 W.L.R. 930, C.A.

Cretanor Maritime Co. Ltd. v. Irish Marine Management Ltd. [1978] 1 W.L.R. 966; [1978] 3 All E.R. 164, C.A. **Distinguished,** *Capital Cameras Ltd. v. Harold Lines Ltd.* [1991] 1 W.L.R. 54

Crompton (Alfred) Amusement Machines Ltd v. Customs and Excise Comrs. (No. 2) [1974] A.C. 405; [1973] 3 W.L.R. 268; [1973] 2 All E.R. 1169, H.L.(E.). **Applied,** *Marcel v. Comr. of Police of the Metropolis* [1991] 2 W.L.R. 1118

Crook v. Edmundson [1966] 2 Q.B. 81, 93; [1966] 2 W.L.R. 672; [1966] 1 All E.R. 833, D.C. **Dicta of Sachs J. approved,** *R. v. Goddard* (1990) 92 Cr.App.R. 185, C.A.

Cuckmere Brick Co. Ltd. v. Mutual Finance Ltd. [1971] Ch. 949; [1971] 2 W.L.R. 1207; [1971] 2 All E.R. 633, C.A. **Considered,** *Parker-Tweedale v. Dunbar Bank Plc.* [1991] Ch. 12; [1990] 3 W.L.R. 767, C.A.

Cundy v. Lindsay (1878) 3 App.Cas. 459, H.L.(E.). **Distinguished,** *Citibank N.A. v. Brown Shipley & Co. Ltd.; Midland Bank Plc. v. Brown Shipley & Co. Ltd.* [1991] 2 All E.R. 690; [1991] 1 Lloyd's Rep. 576

Customs and Excise Comrs. v. Air Canada [1989] Q.B. 234; [1989] 2 W.L.R. 589; [1989] 2 All E.R. 22. **Decision of Tucker J. reversed** [1991] 2 Q.B. 446; [1991] 2 W.L.R. 344, C.A.

Customs and Excise Comrs. v. Cure & Deeley Ltd. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798; [1961] 3 All E.R. 641. **Distinguished,** *Burford v. Durkin* (1989) T.C. Leaflet No. 3251, C.A.

Customs and Excise Comrs. v. Jack Bradley (Accrington) Ltd. [1959] 1 Q.B. 219; [1958] 3 W.L.R. 639; [1958] 3 All E.R. 487. **Applied,** *Customs and Excise Comrs. v. Air Canada* [1991] 2 Q.B. 446; [1991] 2 W.L.R. 344, C.A.

Cutler v. Wandsworth Stadium Ltd. [1949] A.C. 398; [1949] 1 All E.R. 544, H.L.(E.). **Applied,** *P. v. Liverpool Daily Post and Echo Newspapers Plc.* [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)

D. (An Infant), *In re* [1959] 1 Q.B. 229; [1959] 2 W.L.R. 26; [1958] 3 All E.R. 716, C.A. **Considered,** *In re D. (A Minor) (Adoption Order: Validity)* [1991] Fam. 137; [1991] 2 W.L.R. 1215, C.A.

D. (An Infant) (Adoption: Parent's Consent), *In re* [1977] A.C. 602; [1977] 2 W.L.R. 79; [1977] 1 All E.R. 145, H.L.(E.). **Considered,** *In re D. (A Minor) (Adoption Order: Validity)* [1991] Fam. 137; [1991] 2 W.L.R. 1215, C.A.

D. v. Hereford and Worcester County Council [1991] Fam. 14; [1991] 2 W.L.R. 753; [1991] 2 All E.R. 177. **Approved,** *In re H. (Minors) (Local Authority: Parental Rights) (No. 3)* [1991] Fam. 151; [1991] 2 W.L.R. 763, C.A.

D. & F. Estates Ltd. v. Church Comrs. for England [1989] A.C. 177; [1988] 3 W.L.R. 368; [1988] 2 All E.R. 992, H.L.(E.). **Considered,** *Murphy v. Brentwood District Council* [1991] 1 A.C. 398; [1990] 2 W.L.R. 944, C.A.; [1991] 1 A.C. 398; [1990] 3 W.L.R. 414, H.L.(E.)

Dann v. Hamilton [1939] 1 K.B. 509; [1939] 1 All E.R. 59. **Considered,** *Morris v. Murray* [1991] 2 Q.B. 6; [1991] 2 W.L.R. 195, C.A.

Davidson v. Quirke [1923] N.Z.L.R. 552. **Considered,** *R. v. Kearley* (1990) 93 Cr.App.R. 222, C.A.

Davies v. Du Paver [1953] 1 Q.B. 184; [1952] 2 T.L.R. 890; [1952] 2 All E.R. 991, C.A. **Applied,** *Mills v. Silver* [1991] Ch. 271; [1991] 2 W.L.R. 324, C.A.

Davies v. Powell Duffryn Associated Colleries Ltd. [1942] A.C. 601; [1942] 1 All E.R. 657, H.L.(E.). **Applied,** *Cresswell v. Eaton* [1991] 1 W.L.R. 1113

Davy v. Spelthorne Borough Council [1984] A.C. 262; [1983] 3 W.L.R. 742; [1983] 3 All E.R. 278, H.L.(E.). **Applied,** *Doyle v. Northumbria Probation Committee* [1991] 1 W.L.R. 1340

de Dampierre v. de Dampierre [1988] A.C. 92; [1987] 2 W.L.R. 1006; [1987] 2 All E.R. 1, H.L.(E.). **Applied,** *In re Harrods (Buenos Aires) Ltd.* [1991] 3 W.L.R. 397, Harman J. and C.A.

De Keyser v. British Railway Traffic and Electric Co. Ltd. [1936] 1 K.B. 224, D.C. **Applied,** *Customs and Excise Comrs. v. Air Canada* [1991] 2 Q.B. 446; [1991] 2 W.L.R. 344, C.A.

De Lassalle v. Guildford [1901] 2 K.B. 215, C.A. **Applied,** *Record v. Bell* [1991] 1 W.L.R. 853

Deacon v. A. T. (A Minor) [1976] R.T.R. 244, D.C. **Distinguished,** *Director of Public Prosecutions v. Vivier* [1991] R.T.R. 205, D.C.

Deichland, The [1990] 1 Q.B. 361; [1989] 3 W.L.R. 478; [1989] 2 All E.R. 1066; [1989] 2 Lloyd's Rep. 113, C.A. **Applied,** *The Sylt* [1991] 1 Lloyd's Rep. 240

Delaney v. Staples (trading as De Montfort Recruitment) [1990] I.C.R. 364, E.A.T. **Decision of the Employment Appeal Tribunal affirmed in part** [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.

Dene Steam Shipping Co. v. Bucknall (1900) 5 Com.Cas. 372. Applied, *Chiswell Shipping Ltd. v. National Iranian Tanker Co.* [1991] 2 Lloyd's Rep. 251

Department of the Environment v. Thomas Bates and Son Ltd. [1989] 1 All E.R. 1075, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 A.C. 499; [1990] 3 W.L.R. 457, H.L.(E.)

Derby & Co. Ltd. v. Weldon (No. 8) [1991] 1 W.L.R. 73; [1990] 3 All E.R. 762. **Order of Vinelott J. varied** [1991] 1 W.L.R. 73, C.A.

Derby & Co. Ltd. v. Weldon (No. 8) [1991] 1 W.L.R. 73; [1990] 3 All E.R. 762, C.A. **Distinguished,** *Derby & Co. Ltd. v. Weldon (No. 9)* [1991] 1 W.L.R. 652, C.A.

Deutz Engines Ltd. v. Terex Ltd., 1984 S.L.T. 273. **Overruled,** *Armour v. Thyssen Edelstahlwerke A.G.* [1991] 2 A.C. 339; [1990] 3 W.L.R. 810; [1990] 3 All E.R. 481, H.L.(Sc.)

Dewell, In the Goods of (1853) 1 Sp. Ecc. & Ad. 103. **Doubted,** *In re White, decd.* [1991] Ch. 1; [1990] 3 W.L.R. 187

Dhatt v. McDonalds Hamburgers Ltd. [1988] I.C.R. 591, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1991] 1 W.L.R. 527; [1991] I.C.R. 238, C.A.

Dillon, *In re* (1890) 44 Ch.D. 76, C.A. **Considered,** *Sen v. Headley* [1991] Ch. 425; [1991] 2 W.L.R. 1308, C.A.

Dillon v. Legg (1968) 68 Cal.2d 728, 740–741. **Dicta of Tobriner J. applied,** *Ravenscroft v. Rederiaktiebølaget Transatlantic* [1991] 3 All E.R. 73

Dimskal Shipping Co. S.A. v. International Transport Workers Federation (No. 2) [1990] I.C.R. 694; [1990] 1 Lloyd's Rep. 319, C.A. **Decision of the Court of Appeal affirmed** [1991] 3 W.L.R. 875, H.L.(E.)

Director General of Fair Trading v. Tobyward Ltd. [1989] 1 W.L.R. 517; [1989] 2 All E.R. 266. **Applied,** *In re Agreement between Members of the Institute of Independent Insurance Brokers* [1991] I.C.R. 822, R.P. Ct. (E. & W.)

Director of Public Prosecutions v. Billington [1988] 1 W.L.R. 535; [1988] 1 All E.R. 435; [1988] R.T.R. 231, D.C. **Considered,** *Director of Public Prosecutions v. Whalley* [1991] R.T.R. 161, D.C.

Director of Public Prosecutions v. Cornell [1990] R.T.R. 254, D.C. **Considered,** *Director of Public Prosecutions v. Whalley* [1991] R.T.R. 161, D.C.

Director of Public Prosecutions v. Porthouse [1989] R.T.R. 177, D.C. **Applied,** *Williams v. Director of Public Prosecutions* [1991] 1 W.L.R. 1160, D.C.

Director of Public Prosecutions v. Stonehouse [1978] A.C. 55, 67, 93; [1977] 3 W.L.R. 143; [1977] 2 All E.R. 909; 65 Cr.App.R. 192, H.L.(E.). **Dicta of Lord Diplock applied,** *Liangsiriprasert (Somchai) v. Government of the United States of America* [1991] 1 A.C. 225; [1990] 3 W.L.R. 606, P.C. **Considered,** *R. v. Gordon (Note)* (1987) 92 Cr.App.R. 50, C.A. *R. v. Campbell (Tony)* (1991) 93 Cr.App.R. 350, C.A. **Dictum of Lord Keith of Kinkel not applied,** *Liangsiriprasert (Somchai) v. Government of the United States of America* [1991] 1 A.C. 225; [1990] 3 W.L.R. 606, P.C.

Director of Public Prosecutions v. Yates [1989] R.T.R. 134, D.C. **Applied,** *Director of Public Prosecutions v. Holtham* [1991] R.T.R. 5, D.C.

Dixon, *In re* [1892] P. 386. **Considered,** *In re St. Luke's, Holbeach Hurn* [1991] 1 W.L.R. 16

Dobson v. General Accident Fire and Life Assurance Corpn. Plc. [1990] 1 Q.B. 274; [1989] 3 W.L.R. 1066; [1989] 3 All E.R. 927, C.A. **Considered,** *R. v. Gomez* [1991] 1 W.L.R. 1334, C.A.

Doe *d.* Aslin v. Summersett (1830) 1 B. & Ad. 135. **Approved,** *Hammersmith and Fullham London Borough Council v. Monk* [1991] 3 W.L.R. 1144, H.L.(E.). **Considered,** *Hammersmith and Fulham London Borough Council v. Monk* (1990) 89 L.G.R. 357, C.A.

Doe *d.* Lord v. Crago (1848) 6 C.B. 90. **Applied,** *Javad v. Mohammed Aqil* [1991] 1 W.L.R. 1007, C.A.

Doe *d.* Phipps v. Gowen (1837) 1 Jur. 794. **Considered,** *W. G. Clark (Properties) Ltd. v. Dupre Properties Ltd.* [1991] 3 W.L.R. 579

Doherty v. Allmann (1878) 3 App.Cas. 709, H.L.(I.). **Considered,** *Oxy-Electric Ltd. v. Zainuddin* [1991] 1 W.L.R. 115

Doland (George) Ltd. v. Blackburn Robson Coates & Co. [1972] 1 W.L.R. 1338; [1972] 3 All E.R. 959. **Distinguished,** *Derby & Co. Ltd. v. Weldon (No. 10)* [1991] 1 W.L.R. 660

Dormeuil Frères S.A. v. Nicolian International (Textiles) Ltd. [1988] 1 W.L.R. 1362; [1988] 3 All E.R. 197. **Considered,** *Tate Access Floors Inc. v. Boswell* [1991] Ch. 512; [1991] 2 W.L.R. 304

Doyle v. Olby (Ironmongers) Ltd. [1969] 2 Q.B. 158; [1969] 2 W.L.R. 673; [1969] 2 All E.R. 119, C.A. **Applied,** *East v. Maurer* [1991] 1 W.L.R. 461, C.A.; *Royscot Trust Ltd. v. Rogerson* [1991] 2 Q.B. 297; [1991] 3 W.L.R. 57, C.A.

Dubai Bank Ltd. v. Galadari [1990] Ch. 98; [1989] 3 W.L.R. 1044; [1989] 3 All E.R. 769, C.A. **Considered,** *Ventouris v. Mountain* [1991] 1 W.L.R. 607, C.A.

Duffield v. Elwes (1827) 1 Bli. (N.S.) 497, H.L.(E.). **Considered,** *Sen v. Headley* [1991] Ch. 425; [1991] 2 W.L.R. 1308, C.A.

Duke v. Reliance Systems Ltd. [1988] A.C. 618; [1988] 2 W.L.R. 359; [1988] I.C.R. 339; [1988] 1 All E.R. 626, H.L.(E.). **Considered,** *Marshall v. South West Hampshire Health Authority (Teaching) (No. 2)* [1990] I.C.R. 136, C.A.

Dutton v. Bognor Regis Urban District Council [1972] 1 Q.B. 373; [1972] 2 W.L.R. 299; [1972] 1 All E.R. 462, C.A. **Overruled,** *Murphy v. Brentwood District Council* [1991] 1 A.C. 398; [1990] 2 W.L.R. 944, C.A.; [1991] 1 A.C. 398; [1990] 3 W.L.R. 414, H.L.(E.)

Duval v. Seguin (1972) 26 D.L.R. (3d) 418. **Considered,** *B. v. Islington Health Authority* [1991] 1 Q.B. 638; [1991] 2 W.L.R. 501

E.M.I. Records Ltd. v. Riley [1981] 1 W.L.R. 923; [1981] 2 All E.R. 838. **Applied,** *Irish Shipping Ltd. v. Commercial Union Assurance Co. Plc.* [1991] 2 Q.B. 206; [1990] 2 W.L.R. 117, C.A.

Eastman v. South West Thames Health Authority [1990] R.T.R. 315. **Reversed** [1991] R.T.R. 389, C.A.

Edwards v. Clinch [1982] A.C. 845; [1981] 3 W.L.R. 707; [1981] 3 All E.R. 543, H.L.(E.). **Applied,** *McMenamin v. Diggles* [1991] 1 W.L.R. 1249; [1991] I.C.R. 641

Elpis Maritime Co. Ltd. v. Marti Chartering Co. Inc. [1991] 1 Lloyd's Rep. 521, C.A. **Decision of the Court of Appeal reversed** [1992] 1 A.C. 21; [1991] 3 W.L.R. 330, H.L.(E.)

Emerald Stainless Steel Ltd. v. South Side Distribution Ltd., 1983 S.L.T. 162. **Overruled,** *Armour v. Thyssen Edelstahlwerke A.G.* [1991] 2 A.C. 339; [1990] 3 W.L.R. 810; [1990] 3 All E.R. 481, H.L.(Sc.)

Empressa Cubana de Fletes v. Aviation & Shipping Co. Ltd. [1969] 2 Lloyd's Rep. 257. **Applied,** *Shipping Corpn. of India Ltd. v. NSB Niederelbe Schiffahrtsgesellschaft m.b.H. & Co.* [1991] 1 Lloyd's Rep. 77

Ensign Tankers (Leasing) Ltd. v. Stokes [1989] 1 W.L.R. 1222; [1989] S.T.C. 705. **Decision of Millett J. reversed** [1991] 1 W.L.R. 341, C.A.

Ensign Tankers (Leasing) Ltd. v. Stokes [1991] 1 W.L.R. 341, C.A. **Considered,** *Kirkham v. Williams* [1991] 1 W.L.R. 863, C.A.

Esso Petroleum Co. Ltd. v. Harper's Garage (Stourport) Ltd. [1968] A.C. 269; [1967] 2 W.L.R. 871; [1967] 1 All E.R. 699, H.L.(E.). **Applied,** *Watson v. Prager* [1991] 1 W.L.R. 726; [1991] I.C.R. 603

European Grain and Shipping Ltd. v. Dansk Landsbrugs Grovvareslskab [1986] 1 Lloyd's Rep. 163. **Approved,** *Comdel Commodities Ltd. v. Siporex Trade S.A. (No. 2)* [1991] 1 A.C. 148; [1990] 3 W.L.R. 1, H.L.(E.)

Evans Construction Co. Ltd. v. Charrington & Co. Ltd. [1983] Q.B. 810; [1983] 2 W.L.R. 117; [1983] 1 All E.R. 310, C.A. **Applied,** *The Sardinia Sulcis* [1991] 1 Lloyd's Rep. 201, C.A.

Eves v. Eves [1975] 1 W.L.R. 1338, 1345; [1975] 3 All E.R. 768, C.A. **Dictum of Brightman J. considered,** *R. v. Robson* (1990) 92 Cr.App.R. 1, C.A.

F. (A Minor) (Adoption Order: Injunction), *In re* [1990] Fam. 189; [1990] 3 W.L.R. 505; [1990] 3 All E.R. 580. **Overruled,** *In re D. (A Minor) (Adoption Order: Validity)* [1991] Fam. 137; [1991] 2 W.L.R. 1215, C.A.

F. (orse. A.) (A Minor) (Publication of Information), *In re* [1977] Fam. 58; [1976] 3 W.L.R. 813; [1977] 1 All E.R. 114, C.A. **Applied,** *P. v. Liverpool Daily Post and Echo Newspapers Plc.* [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)

Federal Commerce & Navigation Co. Ltd. v. Molena Alpha Inc. [1978] Q.B. 927; [1978] 3 W.L.R. 309; [1978] 3 All E.R. 1066; [1978] 2 Lloyd's Rep. 132, C.A. **Applied,** *Century Textiles and Industry Ltd. v. Tomoe Shipping Co. (Singapore) Pte. Ltd.* [1991] 1 Lloyd's Rep. 573

Feis, decd., *In re* [1964] Ch. 106; [1963] 3 W.L.R. 451; [1963] 3 All E.R. 303. **Applied,** *In re Finnemore, decd.* [1991] 1 W.L.R. 793

Fibrosa Spolka Akcyjna v. Fairbairn Lawson Combe Barbour Ltd. [1943] A.C. 32; [1942] 2 All E.R. 122, H.L.(E.). **Applied,** *Lipkin Gorman (a firm) v. Karpnale Ltd.* [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.)

Firma C-Trade S.A. v. Newcastle Protection and Indemnity Association [1989] 1 Lloyd's Rep. 239, C.A. **Decision of the Court of Appeal reversed** [1991] 2 A.C. 1; [1990] 3 W.L.R. 78, H.L.(E.)

Food Corpn. of India v. Antclizo Shipping Corpn. [1987] 2 Lloyd's Rep. 130, C.A. **Considered,** *Antclizo Shipping Corpn. v. Food Corpn. of India (No. 2)* [1991] 2 Lloyd's Rep. 485

Food Corpn. of India v. Carras Shipping Co. Ltd. [1983] 2 Lloyd's Rep. 496. **Considered,** *Antclizo Shipping Corpn. v. Food Corpn. of India (No. 2)* [1991] 2 Lloyd's Rep. 485

Foskett (An Infant) v. Mistry [1984] R.T.R. 1, 7, C.A. **Dicta of May L.J. applied,** *Morales (An Infant) v. Eccleston* [1991] R.T.R. 151, C.A.

Foster v. British Gas Plc. [1988] I.C.R. 584, C.A. **Decision of the Court of Appeal reversed** [1991] 2 A.C. 306; [1991] 2 W.L.R. 1075; [1991] I.C.R. 463, H.L.(E.)

Foster v. British Gas Plc. (Case C 188/89) [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1991] I.C.R. 84; [1990] 3 All E.R. 897, E.C.J. **Applied,** *R. v. London Boroughs Transport Committee, Ex parte Freight Transport Association Ltd.* [1991] R.T.R. 13, C.A.

Foster Wheeler (London) Ltd. v. Jackson [1990] I.C.R. 757, 767, E.A.T. **Dicta approved,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.

Fox v. Chief Constable of Gwent [1986] A.C. 281; [1985] 1 W.L.R. 1126; [1985] 3 All E.R. 392; [1985] R.T.R. 337; 82 Cr.App.R. 105, H.L.(E.). **Applied,** *Director of Public Prosecutions v. McGladrigan* [1991] R.T.R. 297, D.C.; *Thomas v. Director of Public Prosecutions (Note)* [1991] R.T.R. 292, D.C. **Considered,** *Director of Public Prosecutions v. Wilson* [1991] R.T.R. 284, D.C.

Froom v. Butcher [1976] Q.B. 286; [1975] 3 W.L.R. 379; [1975] 3 All E.R. 520; [1975] 2 Lloyd's Rep. 478; [1975] R.T.R. 518, C.A. **Considered,** *Eastman v. South West Thames Regional Health Authority* [1991] R.T.R. 389, C.A.

G. M. S. Syndicate Ltd. v. Gary Elliott Ltd. [1982] Ch. 1; [1981] 2 W.L.R. 478; [1981] 1 All E.R. 619. **Considered,** *W. G. Clark (Properties) Ltd. v. Dupre Properties Ltd.* [1991] 3 W.L.R. 579

Gallic Leasing Ltd. v. Coburn [1991] S.T.C. 151, C.A. **Decision of the Court of Appeal reversed** [1991] 1 W.L.R. 1399, H.L.(E.)

Gardner v. Hodgson's Kingston Brewery Co. Ltd. [1903] A.C. 229, H.L.(E.). **Considered,** *Mills v. Silver* [1991] Ch. 271; [1991] 2 W.L.R. 324, C.A.

Garner v. Briggs (1858) 27 L.J.Ch. 483. **Applied,** *Thomas v. Bunn* [1991] 1 A.C. 362; [1991] 2 W.L.R. 27, H.L.(E.)

Gartside v. Sheffield Young & Ellis [1983] N.Z.L.R. 37. **Approved,** *Kuwait Asia Bank E.C. v. National Mutual Life Nominees Ltd.* [1991] 1 A.C. 187; [1990] 3 W.L.R. 297, D.C.

Gaskins v. British Aluminium Co. Ltd. [1976] Q.B. 524; [1976] 2 W.L.R. 6; [1976] 1 All E.R. 208, C.A. **Applied,** *Proetta v. Times Newspapers Ltd.* [1991] 1 W.L.R. 337, C.A.

General Medical Council v. Goba [1988] I.C.R. 885, E.A.T. **Approved,** *Hampson v. Department of Education and Science* [1991] 1 A.C. 171; [1990] 3 W.L.R. 42, H.L.(E.)

Geogas S.A. v. Trammo Gas Ltd. [1991] 2 W.L.R. 794; [1991] 2 All E.R. 110, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 W.L.R. 776, H.L.(E.)

German v. Chapman (1877) 7 Ch.D. 271, C.A. **Considered,** *C. & G. Homes Ltd. v. Secretary of State for Health* [1991] Ch. 365; [1991] 2 W.L.R. 715, C.A.

Gillick v. West Norfolk and Wisbech Area Health Authority [1986] A.C. 112; [1985] 3 W.L.R. 830; [1985] 3 All E.R. 402, H.L.(E.). **Considered,** *F. v. Wirral Metropolitan Borough Council* [1991] Fam. 69; [1991] 2 W.L.R. 1132, C.A. **Distinguished,** *In re R. (A Minor) (Wardship: Consent to Treatment)* [1991] 3 W.L.R. 592, C.A.

Ging v. Ellward Lancs Ltd. (Note) [1991] I.C.R. 222, E.A.T. **Considered,** *Lytlarch Ltd. v. Reid* [1991] I.C.R. 216, E.A.T. **Distinguished,** *Fentiman v. Fluid Engineering Products Ltd.* [1991] I.C.R. 570, E.A.T.

Global Tankers Inc. v. Amercoat Europa N.V. [1975] 1 Lloyd's Rep. 666. **Applied,** *Lark v. Outhwaite* [1991] 2 Lloyd's Rep. 132

Goddard v. Nationwide Building Society [1987] Q.B. 670, 685; [1986] 3 W.L.R. 734; [1986] 3 All E.R. 264, C.A. **Dictum of Nourse L.J. not applied,** *Marcel v. Comr. of Police of the Metropolis* [1991] 2 W.L.R. 1118

Goldsack v. Shore [1950] 1 K.B. 708; [1950] 1 All E.R. 276, C.A. **Applied,** *Colchester Borough Council v. Smith* [1991] Ch. 448; [1991] 2 W.L.R. 540

Gooch v. Ewing [1986] Q.B. 791; [1986] 2 W.L.R. 445; [1985] 3 All E.R. 654, C.A. **Applied,** *In re O. (Restraint Order: Disclosure of Assets)* [1991] 2 Q.B. 520; [1991] 2 W.L.R. 475, C.A.

Governors of St. Thomas's Hospital v. Charing Cross Railway Co. (1861) 1 J. & H. 400. **Applied,** *Denetower Ltd. v. Toop* [1991] 1 W.L.R. 945, C.A.

Graham v. Dodds [1983] 1 W.L.R. 808; [1983] 2 All E.R. 953, H.L.(N.I.). **Distinguished,** *Corbett v. Barking, Havering and Brentwood Health Authority* [1991] 2 Q.B. 408; [1990] 3 W.L.R. 1037, C.A.

Grampian Regional Council v. City of Aberdeen District Council (1984) 47 P.&C.R. 633. **Considered,** *Jones v. Secretary of State for Wales* (1990) 88 L.G.R. 942, C.A.

Grant v. Edwards [1986] Ch. 638; [1986] 3 W.L.R. 114; [1986] 2 All E.R. 426, C.A. **Applied,** *Hammond v. Mitchell* [1991] 1 W.L.R. 1127. **Considered,** *R. v. Robson* (1990) 92 Cr.App.R. 1, C.A.

Grant v. Southwestern and County Properties Ltd. [1975] Ch. 185; [1974] 3 W.L.R. 221; [1974] 2 All E.R. 465. **Applied,** *Derby & Co. Ltd. v. Weldon (No. 9)* [1991] 1 W.L.R. 652

Gray v. Spyer [1922] 2 Ch. 22. **Considered,** *Hammersmith and Fulham London Borough Council v. Monk* (1990) 89 L.G.R. 357, C.A.

Grech v. Odhams Press Ltd. [1958] 2 Q.B. 275; [1958] 3 W.L.R. 16; [1958] 2 All E.R. 462, C.A. **Considered,** *Brent Walker Group Plc. v. Time Out Ltd.* [1991] 2 Q.B. 33; [1991] 2 W.L.R. 772, C.A.

Green v. Weaver (1827) 1 Sim. 404. **Doubted,** *Tate Access Floors Inc. v. Boswell* [1991] Ch. 512; [1991] 2 W.L.R. 304

Greenwich London Borough Council v. McGrady (1982) 81 L.G.R. 288, C.A. **Applied,** *Hammersmith and Fulham London Borough Council v. Monk* (1990) 89 L.G.R. 357, C.A.

Greg May (Carpet Fitters & Contractors) Ltd. v. Dring [1990] I.C.R. 188, 193–194, E.A.T. **Dicta approved,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.

Grennan v. Westcott (Note) [1988] R.T.R. 253, D.C. **Applied,** *Director of Public Prosecutions v. Whalley* [1991] R.T.R. 161, D.C.

Groves v. Wimborne (Lord) [1898] 2 Q.B. 402, C.A. **Considered,** *R. v. Deputy Governor of Parkhurst Prison, Ex parte Hague* [1991] 3 W.L.R. 340, H.L.(E.)

Guinness Peat Properties Ltd. v. Fitzroy Robinson Partnership [1987] 1 W.L.R. 1027; [1987] 2 All E.R. 716, C.A. **Applied,** *Derby & Co. Ltd. v. Weldon (No. 8)* [1991] 1 W.L.R. 73, Vinelott J. and C.A.

Gulf Oil (Great Britain) Ltd. v. Page [1987] Ch. 327; [1987] 3 W.L.R. 166; [1987] 3 All E.R. 14, C.A. **Applied,** *Femis-Bank (Anguilla) Ltd. v. Lazar* [1991] Ch. 391; [1991] 3 W.L.R. 80

Gupta v. Comer [1991] 1 Q.B. 629; [1991] 2 W.L.R. 494; [1991] 1 All E.R. 289, C.A. **Followed,** *Langley v. North West Water Authority* [1991] 1 W.L.R. 697, C.A.

H. (Minors) (Abduction: Custody Rights), *In re* [1991] 2 A.C. 476; [1991] 2 W.L.R. 62; [1991] 1 All E.R. 836, C.A. **Decision of the Court of Appeal affirmed** [1991] 2 A.C. 476; [1991] 3 W.L.R. 68, H.L.(E.)

H. (Minors) (Local Authority: Parental Rights), *In re* [1989] 1 W.L.R. 551, 557; [1989] 2 All E.R. 353, C.A. **Dictum of Balcombe L.J. applied,** *D. v. Hereford and Worcester County Council* [1991] Fam. 14; [1991] 2 W.L.R. 753

Haberman v. Westminster Permanent Building Society [1950] 2 K.B. 294, 301–302; [1950] 2 All E.R. 16, C.A. **Dicta of Asquith L.J. applied,** *Killick v. Roberts* [1991] 1 W.L.R. 1146, C.A.

Hadkinson v. Hadkinson [1952] P. 285, 298; [1952] 2 All E.R. 567, C.A. **Approved,** *X Ltd. v. Morgan-Grampian (Publishers) Ltd.* [1991] 1 A.C. 1; [1990] 2 W.L.R. 421, C.A.; [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.)

Hamblett v. Godfrey [1987] 1 W.L.R. 357; [1987] 1 All E.R. 916; 59 T.C. 694, C.A. **Considered,** *Shilton v. Wilmshurst* [1991] 1 A.C. 684; [1991] 2 W.L.R. 530, H.L.(E.)

Hammersmith and Fullham London Borough Council v. Monk (1990) 89 L.G.R. 357, C.A. **Decision of the Court of Appeal affirmed** [1991] 3 W.L.R. 1144, H.L.(E.)

Hampson v. Department of Education and Science [1989] I.C.R. 179, C.A. **Decision of the Court of Appeal reversed** [1991] 1 A.C. 171; [1990] 3 W.L.R. 42, H.L.(E.)

Hampson v. Department of Education and Science [1991] 1 A.C. 171; [1990] 3 W.L.R. 42; [1990] 2 All E.R. 513, H.L.(E.). **Applied,** *Hertfordshire County Council v. Ozanne* [1991] 1 W.L.R. 105, H.L.(E.)

Hanlon v. The Law Society [1981] A.C. 124; [1980] 2 W.L.R. 756; [1980] 2 All E.R. 199, H.L.(E.). **Considered,** *Watkinson v. Legal Aid Board* [1991] 1 W.L.R. 419, C.A.

Happe v. Happe [1990] 1 W.L.R. 1282, C.A. **Distinguished,** *Cotgrave v. Cotgrave* [1991] 3 W.L.R. 567, C.A.

Harington v. Hoggart (1830) 1 B. & Ad. 577. **Considered,** *Hastingwood Property Ltd. v. Saunders Bearman Anslem (a firm)* [1991] Ch. 114; [1990] 3 W.L.R. 623

Harrison v. Hill, 1932 J.C. 13. **Considered,** *Director of Public Prosecutions v. Vivier* [1991] R.T.R. 205, D.C.

Harrods (Buenos Aires) Ltd., *In re* [1991] 3 W.L.R. 397, C.A. **Applied,** *The Po* [1991] 2 Lloyd's Rep. 206, C.A.

Hart v. Briscoe [1979] Ch. 1; [1978] 2 W.L.R. 832; [1978] 1 All E.R. 791; 52 T.C. 53. **Considered,** *Swires v. Renton* (1991) T.C. Leaflet No. 3278

Hartnell v. Minister of Housing and Local Government [1965] A.C. 1134; [1965] 2 W.L.R. 474; [1965] 1 All E.R. 490, H.L.(E.). **Applied,** *Hughes v. Doncaster Metropolitan Borough Council* [1991] 1 A.C. 382; [1991] 2 W.L.R. 16, H.L.(E.)

Hayes v. James & Charles Dodd (a firm) [1990] 2 All E.R. 815, C.A. **Considered,** *Watts v. Morrow* [1991] 1 W.L.R. 1421, C.A.

Haynes v. Davis [1915] 1 K.B. 332, 338, D.C. **Dicta of Lush J. applied,** *Williams v. Director of Public Prosecutions* [1991] R.T.R. 214, D.C.

Hazell v. Hammersmith and Fulham London Borough Council [1990] 2 Q.B. 697; [1990] 2 W.L.R. 1038, C.A. **Decision of the Court of Appeal reversed** [1991] 2 W.L.R. 372, H.L.(E.)

Hazell v. Hammersmith and Fulham London Borough Council [1991] 2 W.L.R. 372; [1991] 1 All E.R. 545, H.L.(E.). **Applied,** *R. v. Richmond upon Thames London Borough Council, Ex parte McCarthy & Stone (Developments) Ltd.* [1991] 3 W.L.R. 941, H.L.(E.)

Heatons Transport (St. Helens) Ltd. v. Transport and General Workers' Union [1973] A.C. 15; [1972] 3 W.L.R. 431; [1972] I.C.R. 308; [1972] 3 All E.R. 101, H.L.(E.). **Applied,** *In re Supply of Ready Mixed Concrete* [1991] I.C.R. 52, R.P.Ct. (E. & W.)

Helby v. Matthews [1895] A.C. 471, H.L.(E.). **Considered,** *Spiro v. Glencrown Properties Ltd.* [1991] Ch. 537; [1991] 2 W.L.R. 931

Henderson v. Henderson (1843) 3 Hare 100. **Applied,** *Arnold v. National Westminster Bank Plc.* [1991] 2 A.C. 93; [1991] 2 W.L.R. 1177, H.L.(E.)

Hertfordshire County Council v. Ozanne [1989] 2 E.G.L.R. 18, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 W.L.R. 105, H.L.(E.)

Hevican v. Ruane [1991] 3 All E.R. 65. **Doubted,** *Alcock v. Chief Constable of South Yorkshire Police* [1991] 3 W.L.R. 1057, C.A. and H.L.(E.)

Hill v. Chief Constable of West Yorkshire [1989] A.C. 53; [1988] 2 W.L.R. 1049; [1988] 2 All E.R. 238, H.L.(E.). **Applied,** *Hughes v. National Union of Mineworkers* [1991] I.C.R. 669

Hipkins v. Jack Cotton Partnership [1989] 2 E.G.L.R. 157. **Disapproved,** *Watts v. Morrow* [1991] 1 W.L.R. 1421, C.A.

Hiscox v. Outhwaite [1991] 2 W.L.R. 1321; [1991] 3 All E.R. 124, C.A. **Decision of the Court of Appeal affirmed on different grounds** [1991] 3 W.L.R. 297, H.L.(E.)

Hobbs v. Clark [1988] R.T.R. 36, D.C. **Considered,** *Director of Public Prosecutions v. Byrne* [1991] R.T.R. 119, D.C.

Hobbs v. Tinling & Co. [1929] 2 K.B. 1, C.A. **Considered,** *R. v. Edwards* [1991] 1 W.L.R. 207, C.A.

Hochstrasser v. Mayes [1960] A.C. 376, 391–392; [1960] 2 W.L.R. 63; [1959] 3 All E.R. 817; 38 T.C. 673, C.A. **Dicta of Lord Radcliffe applied,** *Shilton v. Wilmshurst* [1991] 1 A.C. 684; [1991] 2 W.L.R. 530, H.L.(E.)

Hoenig v. Isaacs [1952] 2 All E.R. 176, C.A. **Applied,** *Williams v. Roffey Bros. & Nicholls (Contractors) Ltd.* [1991] 1 Q.B. 1; [1990] 2 W.L.R. 1153, C.A.

Hoffmann v. Krieg (Case 145/86) [1988] E.C.R. 645, E.C.J. **Applied,** *Macaulay v. Macaulay* [1991] 1 W.L.R. 179, D.C.

Hoffmann-La Roche (F.) & Co. A.G. v. Secretary of State for Trade and Industry [1975] A.C. 295; [1974] 3 W.L.R. 104; [1974] 2 All E.R. 1128, H.L.(E.). **Considered,** *Kirklees Metropolitan Borough Council v. Wickes Building Supplies Ltd.* [1991] 3 W.L.R. 985, C.A.; *R. v. Secretary of State for Transport, Ex parte Factortame Ltd. (No. 2) (Case C 213/89)* [1991] 1 A.C. 603; [1990] 3 W.L.R. 818, E.C.J. and H.L.(E.)

Holden & Co. v. Crown Prosecution Service [1990] 2 Q.B. 261; [1990] 2 W.L.R. 1137; [1990] 1 All E.R. 368, C.A. **Distinguished,** *Gupta v. Comer* [1991] 1 Q.B. 629; [1991] 2 W.L.R. 494, C.A.; *Langley v. North West Water Authority* [1991] 1 W.L.R. 697, C.A.

Holliday (A Bankrupt), *Ex parte* Trustee of the Property of the Bankrupt v. Holliday [1981] Ch. 405; [1981] 2 W.L.R. 996; [1980] 3 All E.R. 385, C.A. **Distinguished,** *In re Citro (Domenico) (A Bankrupt)* [1991] Ch. 142; [1990] 3 W.L.R. 880, C.A.

Hollington v. F. Hewthorn & Co. Ltd. [1943] K.B. 587; [1943] 2 All E.R. 35, C.A. **Applied,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

Hollington Brothers Ltd. v. Rhodes [1951] 2 T.L.R. 691. **Considered,** *Markfaith Investment Ltd. v. Chiap Hua Flashlights Ltd.* [1991] 2 A.C. 43; [1990] 3 W.L.R. 1451, D.C.

Hone v. Page (1980) 6 F.S.R. 500, 507. **Dictum of Slade J. applied,** *In re Supply of Ready Mixed Concrete* [1991] 3 W.L.R. 707, C.A.

Hopes v. Hopes [1949] P. 227; [1948] 2 All E.R. 920, C.A. **Considered,** *Holmes v. Mitchell* (1990) T.C. Leaflet No. 3256

Horn v. Sunderland Corpn. [1941] 2 K.B. 26; [1941] 1 All E.R. 480, C.A. **Applied,** *Hughes v. Doncaster Metropolitan Borough Council* [1991] 1 A.C. 382; [1991] 2 W.L.R. 16, H.L.(E.)

Housecroft v. Burnett [1986] 1 All E.R. 332, C.A. **Distinguished,** *Cresswell v. Eaton* [1991] 1 W.L.R. 1113

Hoveringham Gravels Ltd. v. Secretary of State for the Environment [1975] Q.B. 754; [1975] 2 W.L.R. 897; [1975] 2 All E.R. 931, C.A. **Applied,** *R. v. Exeter City Council, Ex parte J. L. Thomas & Co. Ltd.* [1991] 1 Q.B. 471; [1990] 3 W.L.R. 100

Howard v. Pickford Tool Co. Ltd. [1951] 1 K.B. 417, C.A. **Considered,** *Fenton Insurance Co. Ltd. v. Gothaer Versicherungsbank VVaG* [1991] 1 Lloyd's Rep. 172

Howson v. Buxton (1928) 97 L.J.K.B. 749, 752, C.A. **Considered,** *Hammersmith and Fulham London Borough Council v. Monk* (1990) 89 L.G.R. 357, C.A. **Dicta of Scrutton L.J. disapproved,** *Hammersmith and Fulham London Borough Council v. Monk* [1991] 3 W.L.R. 1144, H.L.(E.)

Hoyle, *In re* [1893] 1 Ch. 84, C.A. **Applied,** *Elpis Maritime Co. Ltd. v. Marti Chartering Co. Inc.* [1991] 3 W.L.R. 330, H.L.(E.)

Hubbard v. Vosper [1972] 2 Q.B. 84; [1972] 2 W.L.R. 389; [1972] 1 All E.R. 1023, C.A. **Applied,** *British Broadcasting Corpn. v. British Satellite Broadcasting Ltd.* [1991] 3 W.L.R. 174

Hughes v. Department of Health and Social Security [1985] A.C. 776; [1985] 2 W.L.R. 866; [1985] I.C.R. 419, H.L.(E.). **Applied,** *Brooks v. British Telecommunications Plc.* [1991] I.C.R. 286, E.A.T.

Hughes v. Doncaster Metropolitan Borough Council [1990] 1 W.L.R. 845; [1990] 2 All E.R. 53, C.A. **Decision of the Court of Appeal reversed** [1991] 2 W.L.R. 16, H.L.(E.)

Hunt v. R. M. Douglas (Roofing) Ltd. [1990] 1 A.C. 398; [1988] 3 W.L.R. 975; [1988] 3 All E.R. 823, H.L.(E.). **Considered,** *Thomas v. Bunn* [1991] 1 A.C. 362; [1991] 2 W.L.R. 27, H.L.(E.); *Westminster City Council v. Wingrove* [1991] 1 Q.B. 652; [1991] 2 W.L.R. 708; 89 L.G.R. 316, D.C. **Distinguished,** *Legal Aid Board v. Russell* [1991] 2 A.C. 317; [1991] 2 W.L.R. 1300, H.L.(E.)

Hussain v. Hussain [1986] Fam. 134, 141; [1986] 2 W.L.R. 801; [1986] 1 All E.R. 961, C.A. **Dictum of Sir John Donaldson M.R. applied,** *Lewis v. Lewis* [1991] 1 W.L.R. 235, C.A.

Hyundai Merchant Marine Co. Ltd. v. Gesuri Chartering Co. Ltd. [1991] 1 Lloyd's Rep. 100, C.A. **Distinguished,** *Chiswell Shipping Ltd. v. National Iranian Tanker Co.* [1991] 2 Lloyd's Rep. 251

Iggesund Converters Ltd. v. Lewis [1984] I.C.R. 544, E.A.T. **Considered,** *Ferguson v. Gateway Training Centre Ltd.* [1991] I.C.R. 658, E.A.T.

Illustrated Newspapers Ltd. v. Publicity Services (London) Ltd. [1938] Ch. 414. **Considered,** *Associated Newspapers Plc. v. Insert Media Ltd.* [1991] 1 W.L.R. 571, C.A.

Ilyssia Compania Naviera S.A. v. Bamaodah [1985] 1 Lloyd's Rep. 107, C.A. **Applied,** *Mitsui & Co. Ltd. v. Novorossiysk Shipping Co.* [1991] 1 Lloyd's Rep. 456

Inland Revenue Comrs. v. Crossman [1937] A.C. 26; [1936] 1 All E.R. 762, H.L.(E.). **Applied,** *Alexander v. Inland Revenue Comrs.* (1991) T.C. Leaflet No. 3272, C.A.

Inland Revenue Comrs. v. Plummer [1980] A.C. 896; [1979] 3 W.L.R. 689; [1979] 3 All E.R. 775, H.L.(E.). **Applied,** *Moodie v. Inland Revenue Comrs.* [1991] 1 W.L.R. 930, C.A.

Inman Steamship Co. Ltd. v. Bischoff (1882) 7 App.Cas. 670, H.L.(E.). **Distinguished,** *Care Shipping Corpn. v. Itex Itagrani Export S.A.* [1991] 3 W.L.R. 609

Inquiry under the Company Securities (Insider Dealing) Act 1985, *In re* An [1988] A.C. 660; [1988] 2 W.L.R. 33; [1988] 1 All E.R. 203, C.A. and H.L.(E.). **Considered,** *X Ltd. v. Morgan-Grampian (Publishers) Ltd.* [1991] 1 A.C. 1; [1990] 2 W.L.R. 421, C.A.; [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.)

Instone v. A. Schroeder Music Publishing Co. Ltd. [1974] 1 W.L.R. 1308; [1974] 3 All E.R. 616, H.L.(E.). **Applied,** *Watson v. Prager* [1991] 1 W.L.R. 726; [1991] I.C.R. 603

Insurance Co. of Africa v. Scor (U.K.) Reinsurance Co. Ltd. [1985] 1 Lloyd's Rep. 312, C.A. **Applied,** *Hiscox v. Outhwaite (No. 3)* [1991] 2 Lloyd's Rep. 524

Insurance Co. of the State of Pennsylvania v. Grand Union Insurance Co. [1990] 1 Lloyd's Rep. 208. **Applied,** *Hiscox v. Outhwaite (No. 3)* [1991] 2 Lloyd's Rep. 524

Iswera v. Inland Revenue Comr. [1965] 1 W.L.R. 663, P.C. **Considered,** *Kirkham v. Williams* [1991] 1 W.L.R. 863, C.A.

Ivory v. Palmer [1975] I.C.R. 340, C.A. **Considered,** *Norris v. Checksfield*[1991] 1 W.L.R. 1241, C.A. [1991] I.C.R. 632, C.A.

Jackson v. Goldsmith (1950) 81 C.L.R. 446. **Not followed,** *Wall v. Radford* [1991] 2 All E.R. 741

Jackson v. Harrison (1978) 138 C.L.R. 438. **Considered,** *Pitts v. Hunt* [1991] 1 Q.B. 24; [1990] 3 W.L.R. 542, C.A.

Jaensch v. Coffey (1984) 54 A.L.R. 417. **Considered,** *Ravenscroft v. Rederiaktiebølaget Transatlantic* [1991] 3 All E.R. 73

James v. Eastleigh Borough Council [1990] 2 A.C. 751; [1990] 3 W.L.R. 55; [1990] I.C.R. 554; [1990] 2 All E.R. 607, H.L.(E.). **Followed,** *Bullock v. Alice Ottley School* [1991] I.C.R. 838, E.A.T. **Distinguished,** *Dhatt v. McDonalds Hamburgers Ltd.* [1991] 1 W.L.R. 506; [1991] I.C.R. 238, C.A.

James v. Hall (Note) [1972] 1 W.L.R. 797; [1972] 2 All E.R. 59; [1972] R.T.R. 228, D.C. **Considered,** *Director of Public Prosecutions v. Corcoran* [1991] R.T.R. 329, D.C.

James & Sons Ltd. v. Smee [1955] 1 Q.B. 78; [1954] 3 W.L.R. 631; [1954] 3 All E.R. 273, D.C. **Applied,** *Robinson v. Director of Public Prosecutions* [1991] R.T.R. 315, D.C.

Janstorp International (U.K.) Ltd. v. Allen [1990] I.C.R. 779, 785, E.A.T. **Dicta not approved,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.

Jarvis v. Swans Tours Ltd. [1973] Q.B. 233; [1972] 3 W.L.R. 954; [1973] 1 All E.R. 71, C.A. **Considered,** *Dillon v. Baltic Shipping Co.* [1991] 2 Lloyd's Rep. 155

Jelley v. Iliffe [1981] Fam. 128, 141; [1981] 2 W.L.R. 801; [1981] 2 All E.R. 29, C.A. **Dictum of Griffiths L.J. applied,** *Bishop v. Plumley* [1991] 1 W.L.R. 582, C.A.

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K. (Minors) (Wardship: Criminal Proceedings), *In re* [1988] Fam. 1; [1987] 3 W.L.R. 1233; [1988] 1 All E.R. 214. **Approved,** *In re R. (A Minor) (Wardship: Criminal Proceedings)* [1991] Fam. 56; [1991] 2 W.L.R. 912, C.A.

K.D. (A Minor) (Ward: Termination of Access), *In re* [1988] A.C. 806; [1988] 2 W.L.R. 398; [1988] 1 All E.R. 577, H.L.(E.). **Considered,** *F. v. Wirral Metropolitan Borough Council* [1991] Fam. 69; [1991] 2 W.L.R. 1132, C.A.

K/S Norjarl A/S v. Hyundai Heavy Industries Co. Ltd. [1991] 1 Lloyd's Rep. 260. **Decision of Phillips J. affirmed** [1991] 3 W.L.R. 1025, C.A.

Keen v. Holland [1984] 1 W.L.R. 251; [1984] 1 All E.R. 75, C.A. **Applied,** *Colchester Borough Council v. Smith* [1991] Ch. 448; [1991] 2 W.L.R. 540

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Kenya Railways v. Antares Co. Pte. Ltd. (No. 1) [1987] 1 Lloyd's Rep. 424, C.A. **Considered,** *Unisys International Services Ltd. (formerly Sperry Rand Ltd.) v. Eastern Counties Newspapers Ltd.* [1991] 1 Lloyd's Rep. 538, Hobhouse J. and C.A.

Khanna v. Ministry of Defence [1981] I.C.R. 653, E.A.T. **Applied,** *British Gas Plc. v. Sharma* [1991] I.C.R. 19, E.A.T.

Kirkham v. Williams [1989] S.T.C. 333. **Decision of Vinelott J. reversed** [1991] 1 W.L.R. 863, C.A.

Kirklees Metropolitan Borough Council v. Wickes Building Supplies Ltd. [1990] 1 W.L.R. 1237. **Decision of Mervyn Davies J. reversed** [1991] 3 W.L.R. 985, C.A.

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Kooragang Investments Pty. Ltd. v. Richardson & Wrench Ltd. [1982] A.C. 462, 471; [1981] 3 W.L.R. 493; [1981] 3 All E.R. 65, P.C. **Dictum of Lord Wilberforce applied,** *In re Ready Mixed Concrete* [1991] I.C.R. 52, R.P.Ct. (E. & W.)

Kournavous v. J. R. Masterton & Sons (Demolition) Ltd. [1990] I.C.R. 387, 391–392, 394, E.A.T. **Dicta approved,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A. **Dicta not approved,** *Delaney v. Staples (trading as De Montfort Recruitment)* [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.

Kwei Tek Chao v. British Traders and Shippers Ltd. [1954] 2 Q.B. 459, 476; [1954] 2 W.L.R. 365; [1954] 1 All E.R. 779. **Dictum of Devlin J. applied,** *Lombard Finance Ltd. v. Brookplain Trading Ltd.* [1991] 1 W.L.R. 271, C.A.

LTSS Print and Supply Services Ltd. v. Hackney London Borough Council [1976] Q.B. 663; [1976] 2 W.L.R. 253; [1976] 1 All E.R. 311, C.A. **Distinguished,** *Hughes v. Doncaster Metropolitan Borough Council* [1991] 1 A.C. 382; [1991] 2 W.L.R. 16, H.L.(E.)

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Lam Chi-ming v. The Queen [1989] 2 H.K.L.R. 420. **Decision of the Court of Appeal of Hong Kong reversed** [1991] 2 A.C. 212; [1991] 2 W.L.R. 1082, P.C.

Lamb (W.T.) & Sons v. Rider [1948] 2 K.B. 331; [1948] 2 All E.R. 402, C.A. **Followed,** *National Westminster Bank Plc. v. Powney* [1991] Ch. 339; [1990] 2 W.L.R. 1084, C.A.

Lane v. Esdaile [1891] A.C. 210, H.L.(E.). **Applied,** *Geogas S.A. v. Trammo Gas Ltd.* [1991] 1 W.L.R. 776, H.L.(E.)

Lanford v. General Medical Council [1990] 1 A.C. 13, 23C, E–G; [1989] 3 W.L.R. 665; [1989] 2 All E.R. 921, P.C. **Dicta of Lord Lowry disapproved,** *Reza v. General Medical Council* [1991] 2 A.C. 182; [1991] 2 W.L.R. 939, P.C.

Lavarack v. Woods of Colchester Ltd. [1967] 1 Q.B. 278; [1966] 3 W.L.R. 706; [1966] 3 All E.R. 683, C.A. **Considered,** *Kurt A. Becher G.m.b.H. & Co. K.G. v. Roplak Enterprises S.A.* [1991] 2 Lloyd's Rep. 23, C.A.

Law, *Ex parte*, *In re* Kennedy (1846) De Gex 378. **Considered,** *In re Norman Holding Co. Ltd.* [1991] 1 W.L.R. 10

Lawrence David Ltd. v. Ashton [1989] I.C.R. 123, 135; [1991] 1 All E.R. 385, C.A. **Dictum of Balcombe L.J. applied,** *Lansing Linde Ltd. v. Kerr* [1991] 1 W.L.R. 251; [1991] I.C.R. 428, C.A.

Lawson v. Johnson Matthey Plc. [1990] 1 W.L.R. 414. **Decision of Vinelott J. affirmed** [1991] 1 W.L.R. 558, C.A.

Lazard Brothers & Co. v. Midland Bank Ltd. [1933] A.C. 289, H.L.(E.). **Applied,** *Arab Monetary Fund v. Hashim (No. 3)* [1991] 2 A.C. 114; [1991] 2 W.L.R. 729, H.L.(E.)

Lazarus Estates Ltd. v. Beasley [1956] 1 Q.B. 702; [1956] 2 W.L.R. 502; [1956] 1 All E.R. 341, C.A. **Applied,** *Rous v. Mitchell* [1991] 1 W.L.R. 469, C.A.

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Leedale v. Lewis [1982] 1 W.L.R. 1319; [1982] 3 All E.R. 808; 56 T.C. 501, H.L.(E.). **Considered,** *Jones v. Lincoln-Lewis* (1991) T.C. Leaflet No. 3273

Legal Aid Board v. Russell [1990] 2 Q.B. 607; [1990] 3 W.L.R. 526; [1990] 3 All E.R. 18, C.A. **Decision of the Court of Appeal affirmed** [1991] 2 W.L.R. 1300, H.L.(E.)

Leith Hull and Hamburg Steam Packet Co. v. Musgrave (1899) 4 T.C. 80, 89, Ct. of Sess. **Dictum of Lord Trayner applied,** *Consolidated Goldfields Plc. v. Inland Revenue Comrs.* (1990) T.C. Leaflet No. 3235

Letang v. Cooper [1965] 1 Q.B. 232; [1964] 3 W.L.R. 573; [1964] 2 All E.R. 929; [1964] 2 Lloyd's Rep. 339, C.A. **Applied,** *Stubbings v. Webb* [1991] 3 W.L.R. 383, C.A. **Considered,** *Black v. Yates* [1991] 1 Lloyd's Rep. 181

Lewis, *Ex parte* (1882) 21 Q.B.D. 191, 196. **Dictum of Willis J. not applied,** *R. v. Chief Metropolitan Stipendiary Magistrate, Ex parte Choudhury* [1991] 1 Q.B. 429; [1990] 3 W.L.R. 986

Liangsiriprasert (Somchai) v. Government of the United States of America [1990] 1 H.K.L.R. 85. **Decision of the Court of Appeal of Hong Kong reversed in part** [1991] 1 A.C. 225; [1990] 3 W.L.R. 606, P.C.

Liangsiriprasert (Somchai) v. Government of the United States of America [1991] 1 A.C. 225; [1990] 3 W.L.R. 606; [1990] 2 All E.R. 866, P.C. **Applied,** *R. v. Sansom* [1991] 2 Q.B. 130; [1991] 2 W.L.R. 366, C.A.

Libra Shipping and Trading Corpn. Ltd. v. Northern Sales Ltd. (The Aspen Trader) [1981] 1 Lloyd's Rep. 273, 279, C.A. **Dicta of Brandon L.J. applied,** *Comdel Commodities Ltd. v. Siporex Trade S.A. (No. 2)* [1991] 1 A.C. 148; [1990] 3 W.L.R. 1, H.L.(E.)

Lincoln v. Daniels [1962] 1 Q.B. 237; [1961] 3 W.L.R. 866; [1961] 3 All E.R. 740, C.A. **Considered,** *R. v. General Council of the Bar, Ex parte Percival* [1991] 1 Q.B. 212; [1990] 3 W.L.R. 323, D.C.

Linnett v. Coles [1987] Q.B. 555; [1986] 3 W.L.R. 843; [1986] 3 All E.R. 652, C.A. **Applied,** *Mason v. Lawton* [1991] 1 W.L.R. 322, C.A.

Lipkin Gorman (a firm) v. Karpnale Ltd. [1989] 1 W.L.R. 1340, C.A. **Decision of the Court of Appeal reversed in part** [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.)

Livingstone v. Rawyards Coal Co. (1880) 5 App.Cas. 25, H.L.(Sc.). **Applied,** *Swingcastle Ltd. v. Alastair Gibson (a firm)* [1991] 2 A.C. 223; [1991] 2 W.L.R. 1091, H.L.(E.)

Lloyds Bank Export Finance Ltd. v. Comr. of Inland Revenue [1990] 2 N.Z.L.R. 154. **Decision of the Court of Appeal of New Zealand reversed** [1991] 2 A.C. 427; [1991] 3 W.L.R. 153, P.C.

Lloyds Bank Plc. v. Rosset [1989] Ch. 350; [1988] 3 W.L.R. 1301; [1988] 3 All E.R. 915, C.A. **Decision of the Court of Appeal reversed** [1991] 1 A.C. 107; [1990] 2 W.L.R. 867, H.L.(E.)

Lloyds Bank Plc. v. Rosset [1989] Ch. 350; [1988] 3 W.L.R. 1301; [1988] 3 All E.R. 915, C.A. **Approved,** *Abbey National Building Society v. Cann* [1991] 1 A.C. 56; [1990] 2 W.L.R. 832, H.L.(E.)

Lloyds Bank Plc. v. Rosset [1991] 1 A.C. 107; [1990] 2 W.L.R. 867; [1990] 1 All E.R. 1111, H.L.(E.). **Applied,** *Hammond v. Mitchell* [1991] 1 W.L.R. 1127

Loh Wai Lian v. S.E.A. Housing Corpn. Sdn. Bhd. [1987] 2 M.L.J. 1, 4, P.C. **Dicta of Lord Oliver of Aylmerton applied,** *Golden Bay Realty Pte. Ltd. v. Orchard Twelve Investments Pte. Ltd.* [1991] 1 W.L.R. 981, P.C.

Lo-Line Electric Motors Ltd., *In re* [1988] Ch. 477; [1988] 3 W.L.R. 26; [1988] 2 All E.R. 692. **Considered,** *In re Sevenoaks Stationers (Retail) Ltd.* [1991] Ch. 164; [1990] 3 W.L.R. 1165, C.A.

London & Overseas Freighters Ltd. v. Timber Shipping Co. S.A. [1972] A.C. 1; [1971] 2 W.L.R. 1360; [1971] 2 All E.R. 599; [1971] 1 Lloyd's Rep. 523, H.L.(E.). **Applied,** *Hyundai Merchant Marine Co. Ltd. v. Gesuri Chartering Co. Ltd.* [1991] 1 Lloyd's Rep. 100, C.A.

Long v. Hepworth [1968] 1 W.L.R. 1299; [1968] 3 All E.R. 248. **Approved,** *Stubbings v. Webb* [1991] 3 W.L.R. 383, C.A.

Lonrho Ltd. v. Shell Petroleum Co. Ltd. (No. 2) [1982] A.C. 173; [1981] 3 W.L.R. 33; [1981] 2 All E.R. 456, H.L.(E.). **Applied,** *P. v. Liverpool Daily Post and Echo Newspapers Plc.* [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.). **Considered,** *Lonrho Plc. v. Fayed* [1991] 3 W.L.R. 188, H.L.(E.); *R. v. Deputy Governor of Parkhurst Prison, Ex parte Hague* [1991] 3 W.L.R. 340, H.L.(E.)

Lonrho Plc. v. Fayed [1990] 2 Q.B. 479; [1989] 3 W.L.R. 631; [1989] 2 All E.R. 65, C.A. **Decision of the Court of Appeal reversed in part** [1991] 3 W.L.R. 188, H.L.(E.)

Lougher v. Donovan [1948] 2 All E.R. 11, C.A. **Not followed,** *National Westminster Bank Plc. v. Powney* [1991] Ch. 339; [1990] 2 W.L.R. 1084, C.A.

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M'Cabe v. Bank of Ireland (1889) 14 App.Cas. 413, H.L.(I.). **Followed,** *Hines v. Birkbeck College (No. 2)* [1991] 3 W.L.R. 557, C.A.

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McCarey v. Associated Newspapers Ltd. (No. 2) [1965] 2 Q.B. 86; [1965] 2 W.L.R. 45; [1964] 3 All E.R. 947, C.A. **Considered,** *Sutcliffe v. Pressdram Ltd.* [1991] 1 Q.B. 153; [1991] 2 W.L.R. 271, C.A.

McKay v. Essex Area Health Authority [1982] Q.B. 1166; [1982] 2 W.L.R. 890; [1982] 2 All E.R. 771, C.A. **Distinguished,** *In re J. (A Minor) (Wardship: Medical Treatment)* [1991] Fam. 33; [1991] 2 W.L.R. 140, C.A.

McKenzie v. Crosville Motor Services Ltd. [1990] I.C.R. 172, 175–176, E.A.T. **Dictum of Wood J. not followed,** *Manifold Industries Ltd. v. Sims* [1991] I.C.R. 504, E.A.T.

McKenzie v. McKenzie [1971] P. 33; [1970] 3 W.L.R. 472; [1970] 3 All E.R. 1034, C.A. **Explained,** *R. v. Leicester City Justices, Ex parte Barrow* [1991] 2 Q.B. 260; [1991] 2 W.L.R. 974, D.C. **Considered,** *R. v. Leicester City Justices, Ex parte Barrow* [1991] 2 Q.B. 260; [1991] 3 W.L.R. 368, C.A.

McLoughlin v. O'Brian [1983] 1 A.C. 410, 421–423, 441–443; [1982] 2 W.L.R. 982; [1982] 2 All E.R. 298, H.L.(E.). **Applied,** *Alcock v. Chief Constable of South Yorkshire Police* [1991] 2 W.L.R. 814. **Dicta of Lord Bridge of Harwich applied,** *Hevican v. Ruane* [1991] 3 All E.R. 65; *Ravenscroft v. Rederiaktiebølaget Transatlantic* [1991] 3 All E.R. 73. **Dicta of Lord Wilberforce applied,** *Alcock v. Chief Constable of South Yorkshire Police* [1991] 3 W.L.R. 1057, C.A. and H.L.(E.)

Madden v. Quirk [1989] 1 W.L.R. 702; [1989] R.T.R. 304. **Considered,** *Eastman v. South West Thames Regional Health Authority* [1991] R.T.R. 389, C.A.

Mahon v. Air New Zealand Ltd. [1984] A.C. 808; [1984] 3 W.L.R. 884, [1984] 3 All E.R. 201, P.C. **Distinguished,** *R. v. Manchester City Council, Ex parte King* (1991) 89 L.G.R. 696, D.C.

Makin v. Attorney-General for New South Wales [1894] A.C. 57, 65, P.C. **Dictum of Lord Herschell L.C. considered,** *R. v. Bedford* (1990) 93 Cr.App.R. 113, C.A.

Manchester City Council v. Walsh (1985) 84 L.G.R. 1, C.A. **Applied,** *Newcastle-upon-Tyne City Council v. Noble* (1990) 89 L.G.R. 618

Mandla (Sewa Singh) v. Dowell Lee [1983] 2 A.C. 548; [1983] 2 W.L.R. 620; [1983] I.C.R. 385; [1983] 1 All E.R. 1062, H.L.(E.). **Considered,** *Crown Suppliers (Property Services Agency) v. Dawkins* [1991] I.C.R. 583, E.A.T.

Manifold Industries Ltd. v. Sims [1991] I.C.R. 504, E.A.T. **Applied,** *Jenkins v. P. & O. European Ferries (Dover) Ltd.* [1991] I.C.R. 652, E.A.T.

Marginson v. Blackburn Borough Council [1939] 2 K.B. 426; [1939] 1 All E.R. 273, C.A. **Distinguished,** *Black v. Yates* [1991] 3 W.L.R. 90

Margulies Brothers Ltd. v. Dafnis Thomaides & Co. (U.K.) Ltd. [1958] 1 W.L.R. 398; [1958] 1 All E.R. 777. **Considered,** *King v. Thomas McKenna Ltd.* [1991] 2 Q.B. 480; [1991] 2 W.L.R. 1234, C.A.

Marjoribanks' Trust Deed, *In re* [1952] Ch. 181; [1952] 1 All E.R. 191, C.A. **Distinguished,** *Cowan v. Department of Health* [1991] 3 W.L.R. 742

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Markt & Co. Ltd. v. Knight Steamship Co. Ltd. [1910] 2 K.B. 1021, C.A. **Distinguished,** *Irish Shipping Ltd. v. Commercial Union Assurance Co. Plc.* [1991] 2 Q.B. 206; [1990] 2 W.L.R. 117, C.A.

Marsh v. Keating (1814) 1 Bing (N.C.) 198. **Applied,** *Lipkin Gorman (a firm) v. Karpnale Ltd.* [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.)

Marshall v. Southampton and South West Hampshire Area Health Authority (Teaching) (Case 152/84) [1986] Q.B. 401; [1986] 2 W.L.R. 780; [1986] I.C.R. 335; [1986] 2 All E.R. 584, E.C.J. **Applied,** *Foster v. British Gas Plc. (Case C 188/89)* [1991] 1 Q.B. 405; [1991] 2 W.L.R. 258; [1991] I.C.R. 84, E.C.J.

Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2) [1990] I.C.R. 6, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1991] I.C.R. 136, C.A.

Martin (B. H.) v. Martin (D.) [1978] Fam. 12; [1977] 3 W.L.R. 101; [1977] 3 All E.R. 762, C.A. **Applied,** *Clutton v. Clutton* [1991] 1 W.L.R. 359, C.A.

Martin, In the Goods of (1849) 1 Rob.Ecc.Rep. 712. **Applied,** *In re White, decd.* [1991] Ch. 1; [1990] 3 W.L.R. 187

Maskell v. Horner [1915] 3 K.B. 106, C.A. **Applied,** *Woolwich Equitable Building Society v. Inland Revenue Comrs.* [1991] 3 W.L.R. 790, C.A.

Matheson, decd., *In re* [1958] 1 W.L.R. 246; [1958] 1 All E.R. 202. **Considered,** *In re St. Luke's, Holbeach Hurn* [1991] 1 W.L.R. 16

Matto v. Wolverhampton Crown Court [1987] R.T.R. 337, D.C. **Considered,** *Director of Public Prosecutions v. Wilson* [1991] R.T.R. 284, D.C. **Explained,** *Director of Public Prosecutions v. McGladrigan* [1991] R.T.R. 297, D.C.; **Distinguished,** *Thomas v. Director of Public Prosecutions (Note)* [1991] R.T.R. 292, D.C.

Mauldon v. British Telecommunications Plc. [1987] I.C.R. 450, E.A.T. **Not followed,** *Brooks v. British Telecommunications Plc.* [1991] I.C.R. 286, E.A.T.

Mead v. Clarke Chapman & Co. Ltd. [1956] 1 W.L.R. 76; [1956] 1 All E.R. 44, C.A. **Considered,** *Watson v. Willmott* [1991] 1 Q.B. 140; [1990] 3 W.L.R. 1103

Mehmet v. Perry [1977] 2 All E.R. 529. **Applied,** *Cresswell v. Eaton* [1991] 1 W.L.R. 1113

Meli v. The Queen [1954] 1 W.L.R. 228; [1954] 1 All E.R. 373, P.C. **Distinguished,** *R. v. Le Brun* [1991] 3 W.L.R. 653, C.A.

Mendip District Council v. B. & Q. Plc. [1991] 1 C.M.L.R. 113. **Decision of Mummery J. reversed** [1991] 3 W.L.R. 985, C.A.

Mercy v. Persons Unknown (1974) 231 E.G. 1159, C.A. **Distinguished,** *R. v. Leicester City Justices, Ex parte Barrow* [1991] 2 Q.B. 260; [1991] 3 W.L.R. 368, D.C. and C.A.

Metalimex Foreign Trade Corpn. v. Eugenie Maritime Ltd. [1962] 1 Lloyd's Rep. 328. **Applied,** *Indian Oil Corpn. v. Vanol Inc.* [1991] 2 Lloyd's Rep. 634

Metall und Rohstoff A.G. v. Donaldson Lufkin & Jenrette Inc. [1990] 1 Q.B. 391; [1989] 3 W.L.R. 563; [1989] 3 All E.R. 14, C.A. **Overruled,** *Lonrho Plc. v. Fayed* [1991] 3 W.L.R. 188, H.L.(E.)

Michalos (N.Z.) v. Food Corpn. of India [1983] 1 Lloyd's Rep. 409. **Considered,** *Antclizo Shipping Corpn. of Food Corpn. of India (No. 2)* [1991] 2 Lloyd's Rep. 485

Middleweek v. Chief Constable of Merseyside (Note) [1990] 3 W.L.R. 481, 487; [1990] 3 All E.R. 662, C.A. **Dictum of Ackner L.J. disapproved,** *R. v. Deputy Governor of Parkhurst Prison, Ex parte Hague* [1991] 3 W.L.R. 340, H.L.(E.)

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Miller v. Race (1758) 1 Burr. 452. **Considered,** *Lipkin Gorman (a firm) v. Karpnale Ltd.* [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.)

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Mint v. Good [1951] 1 K.B. 517; [1950] 2 All E.R. 1159, C.A. **Applied,** *McAuley v. Bristol City Council* [1991] 3 W.L.R. 968, C.A.

Mohamed Arif (An Infant), *In re* [1968] Ch. 643; [1968] 2 W.L.R. 1290; [1968] 2 All E.R. 145, C.A. **Applied,** *In re R. (A Minor) (Wardship: Criminal Proceedings)* [1991] Fam. 56; [1991] 2 W.L.R. 912, C.A.

Monaghan v. Corbett (1983) 147 J.P. 545, D.C. **Explained,** *Director of Public Prosecutions v. Wilson* [1991] R.T.R. 284, D.C.

Monksfield v. Vehicle and General Insurance Co. Ltd. [1971] 1 Lloyd's Rep. 139. **Overruled,** *Legal and General Assurance Society Ltd. v. Drake Insurance Co. Ltd. (trading as Drake Motor Policies at Lloyd's)* [1991] 2 Lloyd's Rep. 36, C.A.

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Montgomery, Jones and Co. and Liebenthal & Co., *In re* (1898) 78 L.T. 406, C.A. **Considered,** *King v. Thomas McKenna Ltd.* [1991] 2 Q.B. 480; [1991] 2 W.L.R. 1234, C.A.

Montgomery, Jones & Co. v. Liebenthal & Co. [1898] 1 Q.B. 487, C.A. **Applied,** *Kenneth Allison Ltd. v. A. E. Limehouse & Co. (a firm)* [1991] 3 W.L.R. 671, H.L.(E.)

Moodie v. Inland Revenue Comrs. [1990] 1 W.L.R. 1084. **Decision of Hoffmann J. reversed** [1991] 1 W.L.R. 930, C.A.

Morgan v. Lee [1985] R.T.R. 409, D.C. **Applied,** *Director of Public Prosecutions v. Hutchings* [1991] R.T.R. 380, D.C.

Morgan Crucible Co. Plc. v. Hill Samuel & Co. Ltd. [1991] Ch. 295; [1991] 2 W.L.R. 655; [1990] 3 All E.R. 330. **Decision of Hoffmann J. reversed** [1991] Ch. 295; [1991] 2 W.L.R. 655, C.A.

Morris v. Harris [1927] A.C. 252, H.L.(E.). **Applied,** *Baytur S.A. v. Finagro Holding S.A.* [1991] 3 W.L.R. 866, C.A.

Morris v. Sanders Universal Products [1954] 1 W.L.R. 67, 73; [1954] 1 All E.R. 67, C.A. **Dicta of Jenkins L.J. not applied,** *Keays v. Murdoch Magazines (U.K.) Ltd.* [1991] 1 W.L.R. 1184, C.A.

Motala v. Attorney-General [1991] 2 All E.R. 312, C.A. **Decision of the Court of Appeal reversed** [1991] 3 W.L.R. 903, H.L.(E.)

Movitex v. Bulfield [1988] B.C.L.C. 104. **Considered,** *R. v. Bolton Borough Council, Ex parte Manchester City Council* (1991) 89 L.G.R. 764

Mulholland's Will Trusts, *In re* [1949] 1 All E.R. 460. **Applied,** *Spiro v. Glencrown Properties Ltd.* [1991] Ch. 537; [1991] 2 W.L.R. 931

Muller Batavier Ltd. v. Laurent Transport Co. Ltd. [1977] 1 Lloyd's Rep. 411. **Considered,** *Microfine Minerals and Chemicals Ltd. v. Transferry Shipping Co. Ltd.* [1991] 2 Lloyd's Rep. 630

Murphy v. Brentwood District Council [1991] 1 A.C. 398; [1990] 2 W.L.R. 944; [1990] 2 All E.R. 269, C.A. **Decision of the Court of Appeal reversed** [1991] 1 A.C. 398; [1990] 3 W.L.R. 414, H.L.(E.)

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Mutual Shipping Corpn. v. Bayshore Shipping Co. Ltd. (The Montan) [1985] 1 W.L.R. 625; [1985] 1 All E.R. 520, C.A. **Considered,** *King v. Thomas McKenna Ltd.* [1991] 2 Q.B. 480; [1991] 2 W.L.R. 1234, C.A.

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Nana Ofori Atta II v. Nana Abu Bonsra II [1958] A.C. 95; [1957] 3 W.L.R. 830; [1957] 3 All E.R. 559, P.C. **Applied,** *House of Spring Gardens Ltd. v. Waite* [1991] 1 Q.B. 241; [1990] 3 W.L.R. 347, C.A.

National Mortgage and Agency Co. of New Zealand Ltd. v. Gosselin (1922) 38 T.L.R. 832, C.A. **Applied,** *Union International Insurance Co. Ltd. v. Jubilee Insurance Co. Ltd.* [1991] 1 W.L.R. 415

National Pari-Mutuel Association Ltd. v. The King (1930) 47 T.L.R. 110, C.A. **Applied,** *Woolwich Equitable Building Society v. Inland Revenue Comrs.* [1991] 3 W.L.R. 790, C.A.

Navigazione Alta Italia S.p.A. v. Svenska Petroleum A.B. [1988] 1 Lloyd's Rep. 452. **Not followed,** *Pride Shipping Corpn. v. Chung Hwa Pulp Corpn.* [1991] 1 Lloyd's Rep. 126

Nea Karteria Maritime Co. Ltd. v. Atlantic & Great Lakes Steamship Corpn. (No. 2) [1981] Com. L.R. 138. **Applied,** *Derby & Co. Ltd. v. Weldon (No. 10)* [1991] 1 W.L.R. 660

Nettleship v. Weston [1971] 2 Q.B. 691; [1971] 3 W.L.R. 370; [1971] 3 All E.R. 581, C.A. **Considered,** *Morris v. Murray* [1991] 2 Q.B. 6; [1991] 2 W.L.R. 195, C.A.

New Zealand Stock Exchange v. Comr. of Inland Revenue [1990] 3 N.Z.L.R. 333. **Decision of the Court of Appeal of New Zealand affirmed** [1991] 2 A.C. 464; [1991] 3 W.L.R. 221, P.C.

Newbury District Council v. Secretary of State for the Environment [1981] A.C. 578; [1980] 2 W.L.R. 379; [1980] 1 All E.R. 731; 78 L.G.R. 306, H.L.(E.). **Applied,** *Jones v. Secretary of State for Wales* (1990) 88 L.G.R. 942, C.A.

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Ng Wai-ming v. The Queen [1980] H.K.L.R. 228. **Overruled,** *Lam Chi-ming v. The Queen* [1991] 2 A.C. 212; [1991] 2 W.L.R. 1082, P.C.

Nielsen, *In re* [1984] A.C. 606; [1984] 2 W.L.R. 737; [1984] 2 All E.R. 81, H.L.(E.). **Applied,** *R. v. Governor of Pentonville Prison, Ex parte Sinclair* [1991] 2 A.C. 64; [1991] 2 W.L.R. 1028, H.L.(E.)

Norbert Steinhardt & Son Ltd. v. Meth (1961) 105 C.L.R. 440. **Applied,** *Tyburn Productions Ltd. v. Conan Doyle* [1991] Ch. 75; [1990] 3 W.L.R. 167

North West Thames Regional Health Authority v. Noone [1988] I.C.R. 813, C.A. **Applied,** *British Gas Plc. v. Sharma* [1991] I.C.R. 19, E.A.T.

North West Traffic Area Licensing Authority v. Brady [1981] R.T.R. 265, C.A. **Considered,** *Camden London Borough Council v. A.D.C. Estates Ltd.* (1990) 88 L.G.R. 956, C.A.

Norwegian American Cruises A./S. (formerly Norwegian American Lines A./S.) v. Paul Mundy Ltd. [1988] 2 Lloyd's Rep. 343, C.A. **Considered,** *Hiscox v. Outhwaite* [1991] 2 W.L.R. 1321, C.A.

Norwich & Peterborough Building Society v. Steed [1991] 1 W.L.R. 454, 449, C.A. **Dicta of Lord Donaldson of Lymington M.R. applied,** *Mallory v. Butler* [1991] 1 W.L.R. 458, C.A.

Norwich Pharmacal Co. v. Customs and Excise Comrs. [1974] A.C. 133; [1973] 3 W.L.R. 164; [1973] 2 All E.R. 943, H.L.(E.). **Applied,** *X Ltd. v. Morgan-Grampian (Publishers) Ltd.* [1991] 1 A.C. 1; [1990] 2 W.L.R. 421, C.A.; [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.)

Oak Hill, The [1975] 1 Lloyd's Rep. 105. **Considered,** *Corfu Navigation Co. v. Mobil Shipping Co. Ltd.* [1991] 2 Lloyd's Rep. 515

O'Brien v. Trafalgar Insurance Co. Ltd. (1945) 43 L.G.R. 107; 61 T.L.R. 225. **Considered,** *Director of Public Prosecutions v. Vivier* [1991] R.T.R. 205, D.C.

Oebel (Case 155/80) [1981] E.C.R. 1993, E.C.J. **Applied,** *Quietlynn Ltd. v. Southend Borough Council (Case C 23/89)* [1991] 1 Q.B. 454; [1991] 2 W.L.R. 611, E.C.J.

Official Custodian for Charities v. Parway Estates Developments Ltd. [1985] Ch. 151; [1984] 3 W.L.R. 525; [1984] 3 All E.R. 679, C.A. **Applied,** *Billson v. Residential Apartments Ltd.* [1991] 3 W.L.R. 264, C.A.

Onions v. Tyrer (1716) 1 P.Wms. 343. **Applied,** *In re Finnemore, decd.* [1991] 1 W.L.R. 793

O'Reilly v. Mackman [1983] 2 A.C. 237; [1982] 3 W.L.R. 1096; [1982] 3 All E.R. 1124, H.L.(E.). **Distinguished,** *Doyle v. Northumbria Probation Committee* [1991] 1 W.L.R. 1340

Overmark Smith Warden Ltd., *In re* [1982] 1 W.L.R. 1195; [1982] 3 All E.R. 513. **Considered,** *In re Cases of Taffs Well Ltd.* [1991] 3 W.L.R. 731

Overseas Containers (Finance) Ltd. v. Stoker [1989] 1 W.L.R. 606, C.A. **Applied,** *Ensign Tankers (Leasing) Ltd. v. Stokes* [1991] 1 W.L.R. 341, C.A.

Owen v. Crouch (1857) 5 W.R. 545. **Approved,** *Parker-Tweedale v. Dunbar Bank Plc. (No. 2)* [1991] Ch. 26; [1990] 3 W.L.R. 780, C.A.

Owen v. Chesters [1985] R.T.R. 191, D.C. **Applied,** *Director of Public Prosecutions v. Hutchings* [1991] R.T.R. 380, D.C.

Owenbawn, The [1973] 1 Lloyd's Rep. 56. **Considered,** *The Mouna* [1991] 2 Lloyd's Rep. 221, C.A.

P. v. Liverpool Daily Post and Echo Newspapers Plc. [1990] 2 W.L.R. 494; [1990] 1 All E.R. 335, C.A. **Decision of the Court of Appeal reversed in part** [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)

Padfield v. Minister of Agriculture, Fisheries and Food [1968] A.C. 997; [1968] 2 W.L.R. 924; [1968] 1 All E.R. 694, H.L.(E.). **Applied,** *R. v. London Boroughs Transport Committee, Ex parte Freight Transport Association Ltd.* [1991] 1 W.L.R. 828, H.L.(E.)

Pakwood Transport Ltd. v. 15, Beauchamp Place Ltd. (1978) 245 E.G. 309, C.A. **Applied,** *Billson v. Residential Apartments Ltd.* [1991] 3 W.L.R. 264, C.A.

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Parker v. Watkins (1859) John. 133. **Approved,** *Parker-Tweedale v. Dunbar Bank Plc. (No. 2)* [1991] Ch. 26; [1990] 3 W.L.R. 780, C.A.

Parry v. Cleaver [1970] A.C. 1; [1969] 2 W.L.R. 821; [1969] 1 All E.R. 555, H.L.(E.). **Applied,** *Smoker v. London Fire and Civil Defence Authority* [1991] 2 A.C. 502; [1991] 2 W.L.R. 422; [1991] 2 W.L.R. 1052; [1991] I.C.R. 449, H.L.(E.); *Wood v. British Coal Corpn.* [1991] 2 A.C. 502; [1991] 2 W.L.R. 1052; [1991] I.C.R. 449, H.L.(E.)

Pasternack v. Poulton [1973] 1 W.L.R. 476; [1973] 2 All E.R. 74; [1973] R.T.R. 334; [1973] 1 Lloyd's Rep. 439. **Considered,** *Eastman v. South West Thames Regional Health Authority* [1991] R.T.R. 389, C.A.

Patel v. W. H. Smith (Eziot) Ltd. [1987] 1 W.L.R. 853; [1987] 2 All E.R. 569, C.A. **Distinguished,** *Mills v. Silver* [1991] Ch. 271; [1991] 2 W.L.R. 324, C.A.

Paterson v. Director of Public Prosecutions [1990] R.T.R. 329, D.C. **Considered,** *Director of Public Prosecutions v. Byrne* [1991] R.T.R. 119, D.C.

Paton v. British Pregnancy Advisory Service Trustees [1979] Q.B. 276; [1978] 3 W.L.R. 687; [1978] 2 All E.R. 987. **Considered,** *B. v. Islington Health Authority* [1991] 1 Q.B. 638; [1991] 2 W.L.R. 501

Paton v. Inland Revenue Comrs. [1938] A.C. 341; [1938] 1 All E.R. 786; 21 T.C. 626, H.L.(E.). **Applied,** *Lysville Ltd. v. Price* (1990) T.C. Leaflet No. 3255

Payne v. Lord Harris of Greenwich [1981] 1 W.L.R. 754; [1981] 2 All E.R. 842, C.A. **Applied,** *R. v. Parole Board, Ex parte Bradley* [1991] 1 W.L.R. 134, D.C.

Penn v. Lord Baltimore (1750) 1 Ves. 444. **Considered,** *Webb v. Webb* [1991] 1 W.L.R. 1410

Pepper v. Hart [1990] 1 W.L.R. 204. **Decision of Vinelott J. affirmed** [1991] Ch. 203; [1991] 2 W.L.R. 483; [1991] I.C.R. 681, C.A.

Perry v. Sidney Phillips & Son [1982] 1 W.L.R. 1297; [1982] 3 All E.R. 705, C.A. **Considered,** *Watts v. Morrow* [1991] 1 W.L.R. 1421, C.A.

Petrofina (U.K.) Ltd. v. Magnaload Ltd. [1984] Q.B. 127; [1983] 3 W.L.R. 805; [1983] 3 All E.R. 35; [1983] 2 Lloyd's Rep. 91. **Applied,** *Stone Vickers Ltd. v. Appledore Ferguson Shipbuilders Ltd.* [1991] 2 Lloyd's Rep. 288

Philips v. Ward [1956] 1 W.L.R. 471; [1956] 1 All E.R. 874, C.A. **Applied,** *Watts v. Morrow* [1991] 1 W.L.R. 1421, C.A.

Phoenix Heights Estate (Pte.) Ltd. v. Lee Kay Guan [1982] 2 M.L.J. 86, 88, P.C. **Dicta of Lord Brightman applied,** *Golden Bay Realty Pte. Ltd. v. Orchard Twelve Investments Pte. Ltd.* [1991] 1 W.L.R. 981, P.C.

Pickstone v. Freemans Plc. [1989] A.C. 66; [1988] 3 W.L.R. 265; [1988] I.C.R. 697; [1988] 2 All E.R. 803, H.L.(E.). **Applied,** *Thomas v. Chief Adjudication Officer* [1991] 2 Q.B. 164; [1991] 2 W.L.R. 886, C.A.

Pigot's Case (1614) 11 Co. Rep. 26b. **Considered,** *Lombard Finance Ltd. v. Brookplain Ltd.* [1991] 1 W.L.R. 271, C.A.

Pilkington's Will Trusts, *In re* [1964] A.C. 612; [1962] 3 W.L.R. 1051; [1962] 3 All E.R. 622; 40 T.C. 416, H.L.(E.). **Considered,** *Swires v. Renton* (1991) T.C. Leaflet No. 3278

Pioneer Shipping Ltd. v. B.T.P. Tioxide Ltd. (The Nema) [1982] A.C. 724; [1981] 3 W.L.R. 292; [1981] 2 All E.R. 1030, H.L.(E.). **Considered,** *Geogas S.A. v. Trammo Gas Ltd.* [1991] 2 Q.B. 139; [1991] 2 W.L.R. 794, C.A.

Pitts v. Hunt [1990] 1 Q.B. 302; [1989] 3 W.L.R. 795. **Decision of Judge Fallon Q.C., sitting as a judge of the Queen's Bench Division, affirmed in part** [1991] 1 Q.B. 24; [1990] 3 W.L.R. 1342, C.A.

Poh, *In re* [1983] 1 W.L.R. 2; [1983] 1 All E.R. 287, H.L.(E.). **Applied,** *Geogas S.A. v. Trammo Gas Ltd.* [1991] 1 W.L.R. 776, H.L.(E.)

Police v. Labat [1970] M.R. 214. **Overruled,** *Mungroo v. The Queen* [1991] 1 W.L.R. 1351, P.C.

Polkey v. A. E. Dayton Services Ltd. [1988] A.C. 344; [1987] 3 W.L.R. 1153; [1988] I.C.R. 142; [1987] 3 All E.R. 974, H.L.(E.). **Considered,** *Chaplin v. H. J. Ruwlinson Ltd.* [1991] I.C.R. 553, E.A.T.; *Ferguson v. Gateway Training Centre Ltd.* [1991] I.C.R. 658, E.A.T.

Port of London Authority v. Canvey Island Comrs. [1932] 1 Ch. 446, C.A. **Distinguished,** *Sheffield City Council v. Yorkshire Water Services Ltd.* [1991] 1 W.L.R. 58

Potters v. Loppert [1973] Ch. 399; [1973] 2 W.L.R. 469; [1973] 1 All E.R. 658. **Applied,** *Hastingwood Property Ltd. v. Saunders Bearman Anselm (a firm)* [1991] Ch. 114; [1990] 3 W.L.R. 623

Practice Direction (Contempt: Reporting Restrictions) [1982] 1 W.L.R. 1475; [1983] 1 All E.R. 64, C.A. **Applied,** *Ex parte Central Television Plc.* [1991] 1 W.L.R. 4, C.A.

Practice Direction (County Court: Enforcement of Order) [1989] 1 W.L.R. 403; [1988] 3 All E.R. 1084. **Amended,** *Practice Direction (County Court: Certificate of Judgment)* [1991] 1 W.L.R. 104. **Revoked,** *Practice Direction (County Court Order: Enforcement)* [1991] 1 W.L.R. 695

Practice Direction (County Court: Transfer of Action) [1984] 1 W.L.R. 1023; [1984] 2 All E.R. 672. **Revoked,** *Practice Direction (County Court: Transfer of Actions)* [1991] 1 W.L.R. 643

Practice Direction (County Court: Transfers Outside London) [1988] 1 W.L.R. 987; [1988] 3 All E.R. 95. **Revoked,** *Practice Direction (County Court: Transfer of Actions)* [1991] 1 W.L.R. 643

Practice Direction (Crown Office List) [1987] 1 W.L.R. 232; [1987] 1 All E.R. 368; 84 Cr.App.R. 268, D.C. **Extended,** *Practice Note (Crown Office List) (No. 2)* [1991] 1 W.L.R. 280, D.C.

Practice Direction (Q.B.D.: Time Summonses) [1989] 1 W.L.R. 752; [1989] 2 All E.R. 480. **Extended,** *Practice Direction (Q.B.D.: Time Summonses) (No. 2)* [1991] 1 W.L.R. 1409

Practice Direction (Ward: Witness at Trial) [1987] 1 W.L.R. 1739; [1988] 1 All E.R. 223. **Applied,** *In re R. (A Minor) (Wardship: Criminal Proceedings)* [1991] Fam. 56; [1991] 2 W.L.R. 912, C.A.

Practice Direction (Ward: Witness at Trial) (No. 2) [1988] 1 W.L.R. 989; [1988] 2 All E.R. 1015. **Applied,** *In re R. (A Minor) (Wardship: Criminal Proceedings)* [1991] Fam. 56; [1991] 2 W.L.R. 912, C.A.

President of India v. Davenport Marine Panam S.A. [1987] 2 Lloyd's Rep. 365. **Considered,** *Antclizo Shipping Corpn. v. Food Corpn. of India (No. 2)* [1991] 2 Lloyd's Rep. 485

President of India v. Diamantis Pateras (Hellas) Marine Enterprise Ltd. [1987] 2 Lloyd's Rep. 649. **Considered,** *Antclizo Shipping Corpn. v. Food Corpn. of India (No. 2)* [1991] 2 Lloyd's Rep. 485

President of India v. La Pintada Compania Navigacion S.A. [1985] A.C. 104; [1984] 3 W.L.R. 10; [1984] 2 All E.R. 773; [1984] 2 Lloyd's Rep. 9, H.L.(E.). **Applied,** *Chiswell Shipping Ltd. v. National Iranian Tanker Co.* [1991] 2 Lloyd's Rep. 251

President of India v. Lips Maritime Corpn. [1988] A.C. 395; [1987] 3 W.L.R. 572; [1987] 3 All E.R. 110; [1987] 2 Lloyd's Rep. 311, H.L.(E.). **Applied,** *Antclizo Shipping Corpn. v. Food Corpn. of India (No. 2)* [1991] 2 Lloyd's Rep. 485

Pritchard v. Arundale [1972] Ch. 229, 240–241; [1971] 3 W.L.R. 877; [1971] 3 All E.R. 1011; 47 T.C. 680. **Dicta of Megarry J. disapproved,** *Shilton v. Wilmshurst* [1991] 1 A.C. 684; [1991] 2 W.L.R. 530, H.L.(E.)

Property and Reversionary Investment Corpn. Ltd. v. Templar [1977] 1 W.L.R. 1223; [1978] 2 All E.R. 433, C.A. **Applied,** *Arnold v. National Westminster Bank Plc.* [1991] 2 A.C. 93; [1991] 2 W.L.R. 1177, H.L.(E.)

Prudential Assurance Co. Ltd. v. Newman Industries Ltd. [1981] Ch. 229; [1980] 2 W.L.R. 339; [1979] 3 All E.R. 507. **Considered,** *Irish Shipping Ltd. v. Commercial Union Assurance Co. Plc.* [1991] 2 Q.B. 206; [1990] 2 W.L.R. 117, C.A.

Pugh v. Knipe [1972] R.T.R. 286, D.C. **Applied,** *Bowman v. Director of Public Prosecutions* [1991] R.T.R. 263, D.C.

Queensland Government Railways v. Manufacturers' Mutual Insurance Ltd. [1969] 1 Lloyd's Rep. 214. **Considered,** *Hitchens (Hatfield) Ltd. v. Prudential Assurance Co. Ltd.* [1991] 2 Lloyd's Rep. 580, C.A.

R. v. Absolam (1988) 88 Cr.App.R. 332, C.A. **Followed,** *R. v. Chung* (1990) 92 Cr.App.R. 314, C.A.

R. v. Alladice (1988) 87 Cr.App.R. 380, C.A. **Considered,** *R. v. Chung* (1990) 92 Cr.App.R. 314, C.A.

R. v. Allsop (1976) 64 Cr.App.R. 29, C.A. **Applied,** *Wai Yu-tsang v. The Queen* [1991] 3 W.L.R. 1006, P.C.

R. v. Altrincham Justices, Ex parte N. Pennington [1975] Q.B. 549, 552, 556; [1975] 2 W.L.R. 450; [1975] 2 All E.R. 78, D.C. **Dicta of Lord Widgery C.J. and Bridge J. considered,** *R. v. Morris (otherwise Williams)* (1990) 93 Cr.App.R. 102, C.A.

R. v. Aramah (1982) 76 Cr.App.R. 190, 193, C.A. **Applied,** *R. v. Saunders* (1990) 92 Cr.App.R. 6, C.A.

R. v. Ashdown [1974] 1 W.L.R. 270; [1974] 1 All E.R. 800, C.A. **Applied,** *National Westminster Bank Plc. v. Arthur Young McClelland Moores & Co. (No. 2)* [1991] 1 W.L.R. 1256

R. v. Bailey (1961) 66 Cr.App.R. 31n, 32. **Dictum of Lord Parker C.J. applied,** *R. v. Sanders* (1991) 93 Cr.App.R. 245, C.A.

R. v. Barnet London Borough Council, *Ex parte* Johnson (1989) 88 L.G.R. 73, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** (1990) 89 L.G.R. 581, C.A.

R. v. Beaumont [1964] Crim.L.R. 665, C.C.A. **Considered,** *Director of Public Prosecutions v. Vivier* [1991] R.T.R. 205, D.C.

R. v. Beck (Brian) [1985] 1 W.L.R. 22; [1985] 1 All E.R. 571, C.A. **Disapproved,** *R. v. Kassim* [1991] 3 W.L.R. 254, H.L.(E.)

R. v. Berrada (Note) (1989) 91 Cr.App.R. 131, C.A. **Applied,** *R. v. Kabariti* (1990) 92 Cr.App.R. 362, C.A.; *R. v. Thanki* (Note) (1990) 93 Cr.App.R. 12, C.A. **Considered,** *R. v. Wills* (1990) 92 Cr.App.R. 297, C.A.

R. v. Blackford (1989) 89 Cr.App.R. 239, 242, C.A. **Dictum of Lord Lane C.J. considered,** *R. v. Morris (otherwise Williams)* (1990) 93 Cr.App.R. 102, C.A.

R. v. Bliss (1986) 84 Cr.App.R. 1, C.A. **Distinguished,** *R. v. Morris (otherwise Williams)* (1990) 93 Cr.App.R. 102, C.A.

R. v. Bloxham [1983] 1 A.C. 109, 114; [1982] 2 W.L.R. 392; [1982] 1 All E.R. 582; [1982] R.T.R. 129; 74 Cr.App.R. 279, H.L.(E.). **Dicta of Lord Bridge of Harwich applied,** *R. v. Wheeler* (1990) 92 Cr.App.R. 279, C.A.

R. v. Boardman [1975] A.C. 421; [1974] 3 W.L.R. 673; [1974] 3 All E.R. 887; 60 Cr.App.R. 165, H.L.(E.). **Applied,** *Reza v. General Medical Council* [1991] 2 A.C. 182; [1991] 2 W.L.R. 939, P.C.; *Director of Public Prosecutions v. P.* [1991] 2 A.C. 447; [1991] 3 W.L.R. 161, H.L.(E.). **Dicta of Lord Morris of Borth-y-Gest and Lord Wilberforce considered,** *R. v. Bedford* (1990) 93 Cr.App.R. 113, C.A.

R. v. Boswell [1984] 1 W.L.R. 1047, 1052; [1984] 3 All E.R. 353; [1984] R.T.R. 315; 79 Cr.App.R. 277, C.A. **Applied,** *R. v. Chadwick* [1991] R.T.R. 176, C.A. **Dictum of Lord Lane C.J. applied,** *Attorney-General's Reference (No. 15 of 1990)* (1990) 92 Cr.App.R. 194, C.A. **Considered,** *R. v. Smith (Gary)* [1991] R.T.R. 109, C.A.; *Attorney-General's Reference (No. 24 of 1990)* [1991] R.T.R. 113, C.A.; *R. v. Robson (Note)* [1991] R.T.R. 180, C.A.; *R. v. Pettipher (Note)* [1991] R.T.R. 183, C.A.; *Attorney-General's Reference (No. 15 of 1990)* [1991] R.T.R. 195, C.A.; *R. v. Mawson* [1991] R.T.R. 418, C.A.

R. v. Bow Street Magistrates, *Ex parte* Mackeson (1981) 75 Cr.App.R. 24, D.C. **Distinguished,** *Liangsiriprasert (Somchai) v. Government of the United States of America* [1991] 1 A.C. 225; [1990] 3 W.L.R. 606, P.C.

R. v. Brentwood Justices, *Ex parte* Nicholls [1990] 2 Q.B. 598; [1990] 3 W.L.R. 534; [1990] 3 All E.R. 516, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1991] 3 W.L.R. 201, H.L.(E.)

R. v. Brooks (1990) 92 Cr.App.R. 36, C.A. **Overruled,** *Director of Public Prosecutions v. P.* [1991] 2 A.C. 447; [1991] 3 W.L.R. 161, H.L.(E.)

R. v. Busby (1981) 75 Cr.App.R. 79, C.A. **Doubted,** *R. v. Edwards* [1991] 1 W.L.R. 207, C.A.

R. v. C. (Rape: Marital Exemption) [1991] 1 All E.R. 755. **Not followed,** *R. v. J. (Rape: Marital Exemption)* [1991] 1 All E.R. 759

R. v. Cairns (1983) 87 Cr.App.R. 287, C.A. **Considered,** *R. v. Ismail (Mohammed)* (1990) 92 Cr.App.R. 92, C.A.

R. v. Caldwell [1982] A.C. 341; [1981] 2 W.L.R. 509; [1981] 1 All E.R. 961, H.L.(E.). **Considered,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Canale [1990] 2 All E.R. 187; 91 Cr.App.R. 1, C.A. **Explained,** *R. v. Gillard* (1990) 92 Cr.App.R. 61, C.A.

R. v. Canterbury and St. Augustine Justices, *Ex parte* Klisiak [1982] Q.B. 398; [1981] 3 W.L.R. 60; [1981] 2 All E.R. 129, D.C. **Applied,** *R. v. Telford Justices, Ex parte Badhan* [1991] 2 Q.B. 78; [1991] 2 W.L.R. 866, D.C.

R. v. Central Criminal Court, *Ex parte* Raymond [1986] 1 W.L.R. 710; [1986] 2 All E.R. 379; 83 Cr.App.R. 94, D.C. **Distinguished,** *R. v. Central Criminal Court, Ex parte Randle* [1991] 1 W.L.R. 1087, D.C.

R. v. Challinor (Robert) [1985] R.T.R. 373; 80 Cr.App.R. 253, C.A. **Considered,** *R. v. Gordon (Note)* (1987) 92 Cr.App.R. 50, C.A.

R. v. Chapman [1959] 1 Q.B. 100; [1958] 3 W.L.R. 401; [1958] 3 All E.R. 143, C.C.A. **Considered,** *R. v. R.* [1991] 2 W.L.R. 1065, C.A.

R. v. Chief National Insurance Comr., *Ex parte* Connor [1981] Q.B. 758; [1981] 2 W.L.R. 412; [1981] 1 All E.R. 769, D.C. **Applied,** *R. v. Registrar General, Ex parte Smith* [1991] 2 Q.B. 393; [1991] 2 W.L.R. 782, C.A.

R. v. Church [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220; [1965] 2 All E.R. 72, C.C.A. **Applied,** *R. v. Le Brun* [1991] 3 W.L.R. 653, C.A.

R. v. Civil Service Appeal Board, *Ex parte* Bruce [1988] I.C.R. 649, D.C. **Not followed,** *R. v. Lord Chancellor's Department, Ex parte Nangle* [1991] I.C.R. 743, D.C.

R. v. Clarence (1888) 22 Q.B.D. 23, C.C.R. **Considered,** *R. v. R.* [1991] 1 All E.R. 747; [1991] 2 W.L.R. 1065, C.A.

R. v. Clarke [1949] 2 All E.R. 448; 33 Cr.App.R. 216, C.C.A. **Considered,** *R. v. R.* [1991] 2 W.L.R. 1065, C.A.

R. v. Clarke (Andrew) [1990] R.T.R. 248, C.A. **Applied,** *Hand v. Director of Public Prosecutions* [1991] R.T.R. 225, D.C.

R. v. Clarke (Leslie) (1977) 67 Cr.App.R. 398, C.A. **Overruled,** *Director of Public Prosecutions v. P.* [1991] 2 A.C. 447; [1991] 3 W.L.R. 161, H.L.(E.)

R. v. Cohen (1990) 91 Cr.App.R. 125, C.A. **Considered,** *R. v. Wills* (1990) 92 Cr.App.R. 297, C.A.

R. v. Comr. for Local Administration, *Ex parte* Croydon London Borough Council [1989] 1 All E.R. 1033; 87 L.G.R. 221, D.C. **Considered,** *R. v. Camden London Borough Council, Ex parte S.* (1990) 89 L.G.R. 513

R. v. Comr. of Police of the Metropolis, *Ex parte* Blackburn [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893; [1968] 1 All E.R. 763, C.A. **Considered,** *R. v. General Council of the Bar, Ex parte Percival* [1991] 1 Q.B. 212; [1990] 3 W.L.R. 323, D.C.

R. v. Cooke (Gary) (1986) 84 Cr.App.R. 286, C.A. **Applied,** *R. v. Edwards* [1991] 1 W.L.R. 207, C.A. **Distinguished,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

R. v. Coroner for East Kent, *Ex parte* Spooner (1987) 88 Cr.App.R. 10, 16, D.C. **Dictum of Bingham L.J. considered,** *R. v. P. & O. European Ferries (Dover) Ltd.* (1990) 93 Cr.App.R. 72

R. v. Crouch (1850) 4 Cox C.C. 163, 164. **Dictum of Maule J. Considered,** *R. v. Robb* (1991) 93 Cr.App.R. 161, C.A.

R. v. Cunningham [1957] 2 Q.B. 396; [1957] 3 W.L.R. 76; [1957] 2 All E.R. 412, C.C.A. **Considered,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Daly (1981) 3 Cr.App.R. (S.) 340. **Considered,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

R. v. Davis (1987) 9 Cr.App.R. (S.) 211, C.A. **Considered,** *R. v. Pettipher (Note)* [1991] R.T.R. 183, C.A.

R. v. Deputy Governor of Parkhurst Prison, *Ex parte* Hague [1990] 3 W.L.R. 1210; [1990] 3 All E.R. 687, C.A. **Decision of the Court of Appeal affirmed** [1991] 3 W.L.R. 340, H.L.(E.)

R. v. Derby Crown Court, *Ex parte* Brooks (1984) 80 Cr.App.R. 164, D.C. **Applied,** *R. v. Telford Justices, Ex parte Badhan* [1991] 2 Q.B. 78; [1991] 2 W.L.R. 866, D.C.

R. v. Dickens [1990] 2 Q.B. 102; [1990] 2 W.L.R. 1384; [1990] 2 All E.R. 626; 91 Cr.App.R. 164, C.A. **Applied,** *R. v. Chrastny (No. 2)* [1991] 1 W.L.R. 1385, C.A.; *R. v. Comiskey* (1990) 93 Cr.App.R. 227, C.A.; *R. v. Enwezor* (1991) 93 Cr.App.R. 233, C.A.

R. v. Dixon [1990] Crim. L.R. 335, C.A. **Applied,** *R. v. Cannan* (1990) 92 Cr.App.R. 16, C.A.

R. v. Doot [1973] A.C. 807, 832–833; [1973] 2 W.L.R. 532; [1973] 1 All E.R. 940, H.L.(E.). **Dicta of Lord Salmon applied,** *Liangsiriprasert (Somchai) v. Government of the United States of America* [1991] 1 A.C. 225; [1990] 3 W.L.R. 606, P.C.

R. v. Dudley Justices, *Ex parte* Gillard [1986] A.C. 442, 454; [1985] 3 W.L.R. 936; [1985] 3 All E.R. 634, H.L.(E.). **Dictum of Lord Bridge of Harwich applied,** *R. v. Brentwood Justices, Ex parte Nicholls* [1991] 3 W.L.R. 201, H.L.(E.)

R. v. Ealing Justices, *Ex parte* Dixon [1990] 2 Q.B. 91; [1989] 3 W.L.R. 1098; [1989] 2 All E.R. 1050, D.C. **Not followed,** *R. v. Stafford Justices, Ex parte Customs and Excise Comrs.* [1991] 2 Q.B. 339; [1990] 3 W.L.R. 656, D.C.

R. v. Ealing Justices, *Ex parte* Weafer (1981) 74 Cr.App.R. 204, D.C. **Considered,** *In re Crook* (1989) 93 Cr.App.R. 17, C.A.

R. v. East Kerrier Justices, *Ex parte* Mundy [1952] 2 Q.B. 719; [1952] 2 All E.R. 144, D.C. **Dictum of Devlin J. applied,** *R. v. Farnham Justices, Ex parte Gibson* [1991] R.T.R. 309, D.C.

R. v. Evans (No. 2) [1976] V.R. 523. **Considered,** *R. v. Cheshire* (1991) 93 Cr.App.R. 251, C.A.

R. v. Fardy [1973] R.T.R. 268, C.A. **Distinguished,** *Director of Public Prosecutions v. McGladrigan* [1991] R.T.R. 297, D.C.

R. v. Federal Steam Navigation Co. Ltd. [1974] 1 W.L.R. 505; [1974] 2 All E.R. 97, H.L.(E.). **Considered,** *R. v. Bolton Borough Council, Ex parte Manchester City Council* (1991) 89 L.G.R. 764

R. v. Felixstowe Justices, *Ex parte* Leigh [1987] Q.B. 582; [1987] 2 W.L.R. 380; [1987] 1 All E.R. 551; 84 Cr.App.R. 327, D.C. **Considered,** *In re Crook* (1989) 93 Cr.App.R. 17, C.A.

R. v. Fisher (1865) L.R. 1 C.C.R. 7. **Considered,** *R. v. Whiteley* (1991) 93 Cr.App.R. 25, C.A.

R. v. Flack [1969] 1 W.L.R. 937, 943; [1969] 2 All E.R. 784; 53 Cr.App.R. 166, C.A. **Applied,** *R. v. Cannan* (1990) 92 Cr.App.R. 16, C.A. **Dictum of Salmon L.J. applied,** *R. v. O'Boyle* (1990) 92 Cr.App.R. 202, C.A.

R. v. Ford (1976) 62 Cr.App.R. 303, C.A. **Considered,** *R. v. Goddard* (1990) 92 Cr.App.R. 185, C.A.

R. v. Funderburk [1990] 1 W.L.R. 587; [1990] 2 All E.R. 482, C.A. **Doubted,** *R. v. Edwards* [1991] 1 W.L.R. 207, C.A.

R. v. General Medical Council, *Ex parte* Gee [1987] 1 W.L.R. 564; [1987] 2 All E.R. 193, H.L.(E.). **Applied,** *Reza v. General Medical Council* [1991] 2 A.C. 182; [1991] 2 W.L.R. 939, P.C.

R. v. Goldenberg (1989) 88 Cr.App.R. 285, C.A. **Considered,** *R. v. Crampton* (1990) 92 Cr.App.R. 369, C.A.

R. v. Goldstein [1983] 1 W.L.R. 151; [1983] 1 All E.R. 434, H.L.(E.). **Considered,** *Stoke-on-Trent City Council v. B. & Q. Plc.* [1991] 2 W.L.R. 42

R. v. Gould (1983) 5 Cr.App.R. (S.) 72. **Applied,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

R. v. Governor of Pentonville Prison, *Ex parte* Osman [1990] 1 W.L.R. 277, 306; [1989] 3 All E.R. 701; 90 Cr.App.R. 281, D.C. **Dictum of Lloyd L.J. applied,** R. v. Shephard (1991) 93 Cr.App.R. 139, C.A.

R. v. Governor of Pentonville Prison, *Ex parte* Sinclair [1990] 2 Q.B. 112; [1990] 2 W.L.R. 1248; [1990] 2 All E.R. 789, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1991] 2 A.C. 64; [1991] 2 W.L.R. 1028, H.L.(E.)

R. v. Governor of Pentonville Prison, *Ex parte* Teja [1971] 2 Q.B. 274; [1971] 2 W.L.R. 816; [1971] 2 All E.R. 11, D.C. **Doubted,** *R. v. Secretary for the Home Department, Ex parte Bagga* [1991] 1 Q.B. 485; [1990] 3 W.L.R. 1013, C.A.

R. v. Grantham [1969] 2 Q.B. 574; [1969] 2 W.L.R. 1083; [1969] 2 All E.R. 545, Ct.-M.A.C. **Applied,** *National Westminster Bank Plc. v. Arthur Young McClelland Moores & Co. (No. 2)* [1991] 1 W.L.R. 1256

R. v. Gray (1981) 74 Cr.App.R. 324, C.A. **Considered,** *R. v. Goddard* (1990) 92 Cr.App.R. 185, C.A.

R. v. Gray's Inn Benchers (1780) 1 Doug. 353. **Considered,** *R. v. General Council of the Bar, Ex parte Percival* [1991] 1 Q.B. 212; [1990] 3 W.L.R. 323, D.C.

R. v. Great Yarmouth Borough Council, *Ex parte* Sawyer (1987) 86 L.G.R. 617, 620, C.A. **Dictum of Woolf L.J. approved,** *Ghafoor v. Wakefield Metropolitan District Council* (1990) 89 L.G.R. 667

R. v. Greater Manchester Coroner, *Ex parte* Tal [1985] Q.B. 67; [1984] 3 W.L.R. 643; [1984] 3 All E.R. 240, D.C. **Considered,** *R. v. Greenwich London Borough Council, Ex parte Lovelace (No. 2)* [1991] 3 W.L.R. 1015, C.A.

R. v. Greenwich London Borough Council, *Ex parte* Lovelace [1990] 1 W.L.R. 18; [1990] 1 All E.R. 353, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1991] 1 W.L.R. 506, C.A.

R. v. Griffiths (Gordon) (Note) [1990] R.T.R. 244, C.A. **Explained,** *Hand v. Director of Public Prosecutions* [1991] R.T.R. 225, D.C.

R. v. Grimsby Borough Quarter Sessions, *Ex parte* Fuller [1956] 1 Q.B. 36; [1955] 3 W.L.R. 563; [1955] 3 All E.R. 300, D.C. **Applied,** *Reza v. General Medical Council* [1991] 2 A.C. 182; [1991] 2 W.L.R. 939, P.C.

R. v. Grondkowski [1946] K.B. 369, 371, C.C.A. **Dictum of Lord Goddard C.J. considered,** *R. v. O'Boyle* (1990) 92 Cr.App.R. 202, C.A.

R. v. Hammersmith Juvenile Court, *Ex parte* O. (1987) 86 Cr.App.R. 343, D.C. **Applied,** *Williams v. Director of Public Prosecutions* [1991] R.T.R. 214, D.C.

R. v. Hammertons Cars Ltd. [1976] 1 W.L.R. 1243; [1976] 3 All E.R. 758; [1976] R.T.R. 516, C.A. **Applied,** *Swithland Motors Ltd. v. Peck* [1991] R.T.R. 322, C.A.

R. v. Harper-Taylor (Note) [1991] R.T.R. 76, C.A. **Considered,** *R. v. Pitman* [1991] 1 All E.R. 468; [1991] R.T.R. 70, C.A.

R. v. Harry (1988) 86 Cr.App.R. 105. **Distinguished,** *R. v. Kearley* (1990) 93 Cr.App.R. 222, C.A.

R. v. Hay (1983) 77 Cr.App.R. 70, C.A. **Distinguished,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

R. v. Hayden [1975] 1 W.L.R. 852; [1975] 2 All E.R. 558, C.A. **Considered,** *R. v. Johnson* [1991] 2 Q.B. 249; [1990] 3 W.L.R. 745

R. v. Horsham Justices, *Ex parte* Farquharson [1982] Q.B. 762, 794; [1982] 2 W.L.R. 430; [1982] 2 All E.R. 269, D.C. and C.A. **Dictum of Lord Denning M.R. applied,** *Ex parte Central Television Plc.* [1991] 1 W.L.R. 4, C.A.

R. v. Howe [1987] A.C. 417; [1987] 2 W.L.R. 568; [1987] 1 All E.R. 771, H.L.(E.). **Considered,** *R. v. Gotts* [1991] 1 Q.B. 660; [1991] 2 W.L.R. 878, C.A.

R. v. Humphrys [1977] A.C. 1; [1976] 2 W.L.R. 857; [1976] 2 All E.R. 497, H.L.(E.). **Applied,** *R. v. Telford Justices, Ex parte Badhan* [1991] 2 Q.B. 78; [1991] 2 W.L.R. 866, D.C. **Considered,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

R. v. Hyde [1991] 1 Q.B. 134; [1990] 3 W.L.R. 1115; [1990] 3 All E.R. 892, C.A. **Applied,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

R. v. Inder (1977) 67 Cr.App.R. 143, C.A. **Overruled,** *Director of Public Prosecutions v. P.* [1991] 2 A.C. 447; [1991] 3 W.L.R. 161, H.L.(E.)

R. v. Inhabitants of St. Mary Whitechapel (1848) 12 Q.B. 120. **Applied,** *Securities and Investments Board v. Financial Intermediaries, Managers and Brokers Regulatory Association Ltd.* [1991] 3 W.L.R. 889

R. v. Inland Revenue Comrs., *Ex parte* Emery (1980) 53 T.C. 555, 556–557, D.C. **Dictum of Lord Donaldson L.J. applied,** *Consolidated Goldfields Plc. v. Inland Revenue Comrs.* (1990) T.C. Leaflet No. 3235

R. v. Inland Revenue Comrs., *Ex parte* Rossminster Ltd. [1980] A.C. 952, 1013; [1980] 2 W.L.R. 1; [1980] 1 All E.R. 80, H.L.(E.). **Applied,** *R. v. Inland Revenue Comrs., Ex parte T. C. Coombs & Co.* [1991] 2 A.C. 283; [1991] 2 W.L.R. 682, H.L.(E.)

R. v. Inland Revenue Comrs., *Ex parte* T. C. Coombs & Co. [1989] S.T.C. 520, C.A. **Decision of the Court of Appeal reversed** [1991] 2 A.C. 283; [1991] 2 W.L.R. 682, H.L.(E.)

R. v. Inner London Education Authority, *Ex parte* Brunyate [1989] 1 W.L.R. 542; [1989] 2 All E.R. 417; 87 L.G.R. 725, H.L.(E.). **Distinguished,** *R. v. Warwickshire County Council, Ex parte Dill-Russell* (1990) 89 L.G.R. 640, D.C. and C.A.; *R. v. Greenwich London Borough Council, Ex parte Lovelace* [1991] 1 W.L.R. 506, C.A.

R. v. Islington North Juvenile Court, *Ex parte* Daley [1983] 1 A.C. 347; [1982] 3 W.L.R. 344; [1982] 2 All E.R. 974, H.L.(E.). **Applied,** *R. v. Nottingham Justices, Ex parte Taylor* [1991] 3 W.L.R. 694, D.C.

R. v. Ismail [1990] Crim. L.R. 109. **Distinguished,** *R. v. Gillard* (1990) 92 Cr.App.R. 61, C.A.

R. v. J. G. Hammond & Co. Ltd. [1914] 2 K.B. 866, D.C. **Applied,** *Attorney-General v. Hislop* [1991] 1 Q.B. 514; [1991] 2 W.L.R. 219, C.A.

R. v. Jordan (1956) 40 Cr.App.R. 152, C.A. **Considered,** *R. v. Cheshire* [1991] 1 W.L.R. 844, C.A.

R. v. Kingston-upon-Thames Justices, *Ex parte* Khanna [1986] R.T.R. 364, D.C. **Considered,** *R. v. Bolton Justices, Ex parte Scally* [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239, D.C.

R. v. Knightsbridge Crown Court, *Ex parte* Goonatilleke [1986] Q.B. 1; [1985] 3 W.L.R. 553; [1985] 2 All E.R. 498, D.C. **Considered,** *R. v. Bolton Justices, Ex parte Scally* [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239, D.C.

R. v. Lawrence (Stephen) [1982] A.C. 510; [1981] 2 W.L.R 524; [1981] 1 All E.R. 974; [1981] R.T.R. 217; 73 Cr.App.R. 1, H.L.(E.). **Applied,** *R. v. Hives* [1991] R.T.R. 27, C.A.; *Hand v. Director of Public Prosecutions* [1991] R.T.R. 225, D.C.; *R. v. Downes* [1991] R.T.R. 395, C.A. **Considered,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Leeds County Court, *Ex parte* Morris [1990] 1 Q.B. 523; [1990] 2 W.L.R. 175; [1990] 1 All E.R. 550, D.C. **Overruled,** *R. v. Greenwich London Borough Council, Ex parte Lovelace (No. 2)* [1991] 3 W.L.R. 1015, C.A.

R. v. Leicester City Justices, *Ex parte* Barrow [1991] 2 Q.B. 260; [1991] 2 W.L.R. 974; [1991] 2 All E.R. 437, D.C. **Decision of the Divisional Court of the Queen's Bench Division reversed** [1991] 2 Q.B. 260; [1991] 3 W.L.R. 368, C.A.

R. v. Lemon [1979] A.C. 617; [1979] 2 W.L.R. 281; [1979] 1 All E.R. 898, H.L.(E.). **Applied,** *R. v. Chief Metropolitan Stipendiary Magistrate, Ex parte Choudhury* [1991] 1 Q.B. 429; [1990] 3 W.L.R. 986

R. v. Lennard [1973] 1 W.L.R. 483; [1973] 2 All E.R. 831; [1973] R.T.R. 252, C.A. **Applied,** *Director of Public Prosecutions v. Whalley* [1991] R.T.R. 161, D.C.

R. v. Lewes Juvenile Court, *Ex parte* Turner (1984) 149 J.P.R. 186, D.C. **Applied,** *R. v. Nottingham Justices, Ex parte Taylor* [1991] 3 W.L.R. 694, D.C.

R. v. Leyland Justices, *Ex parte* Hawthorn [1979] Q.B. 283; [1979] 2 W.L.R. 28; [1979] 1 All E.R. 209, D.C. **Applied,** *R. v. Bolton Justices, Ex parte Scally* [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239, D.C.

R. v. Licensing Authority Established under Medicines Act 1968, *Ex parte* Smith Kline & French Laboratories Ltd. (No. 2) [1990] 1 Q.B. 574; [1989] 2 W.L.R. 378; [1989] 2 All E.R. 113, C.A. **Considered,** *R. v. Secretary of State for Education and Science, Ex parte Avon County Council* [1991] 1 Q.B. 558; [1991] 2 W.L.R. 702, C.A.

R. v. Liverpool City Justices, *Ex parte* Topping [1983] 1 W.L.R. 119; [1983] 1 All E.R. 490; 76 Cr.App.R. 170, D.C. **Applied,** *Reza v. General Medical Council* [1991] 2 A.C. 182; [1991] 2 W.L.R. 939, P.C.; **Dictum of Ackner J. applied,** *R. v. Farnham Justices, Ex parte Gibson* [1991] R.T.R. 309, D.C.

R. v. London Boroughs Transport Committee, *Ex parte* Freight Transport Association Ltd. [1990] R.T.R. 109, D.C. **Decision of the Divisional Court of the Queen's Bench Division upheld** [1991] R.T.R. 13, C.A.

R. v. London Boroughs Transport Committee, *Ex parte* Freight Transport Association Ltd. [1991] R.T.R. 13, C.A. **Decision of the Court of Appeal reversed** [1991] 1 W.L.R. 828, H.L.(E.)

R. v. Luk Siu-Keung [1984] H.K.L.R. 333. **Applied,** *Hui Chi-ming v. The Queen* [1991] 3 W.L.R. 495, P.C.

R. v. Lunt (1986) 85 Cr.App.R. 241, C.A. **Considered,** *R. v. Bedford* (1990) 93 Cr.App.R. 113, C.A.

R. v. Malcherek [1981] 1 W.L.R. 690; [1981] 2 All E.R. 422; 73 Cr.App.R. 173, C.A. **Considered,** *R. v. Cheshire* [1991] 1 W.L.R. 844; 93 Cr.App.R. 251, C.A.

R. v. Marr (1989) 90 Cr.App.R. 154, C.A. **Applied,** *R. v. Thanki (Note)* (1990) 93 Cr.App.R. 12, C.A.

R. v. Marshall (1988) 10 Cr.App.R. (S.) 246. **Considered,** *Attorney-General's Reference (No. 15 of 1990)* (1990) 92 Cr.App.R. 194, C.A.

R. v. Marshall (Gordon) (Note) [1991] R.T.R. 201, C.A. **Considered,** *Attorney-General's Reference (No. 15 of 1990)* [1991] R.T.R. 195, C.A.

R. v. Mason [1981] Q.B. 881; [1980] 3 W.L.R. 617; [1980] 3 All E.R. 777; 71 Cr.App.R. 157, C.A. **Considered,** *R. v. McCann* (1990) 92 Cr.App.R. 239, C.A.

R. v. Miller [1952] 2 All E.R. 667, 670; 36 Cr.App.R. 169. **Dictum of Devlin J. considered,** *R. v. O'Boyle* (1990) 92 Cr.App.R. 202, C.A.

R. v. Miller [1954] 2 Q.B. 282; [1954] 2 W.L.R. 138; [1954] 2 All E.R. 529. **Considered,** *R. v. R. (Rape: Marital Exemption)* [1991] 1 All E.R. 747

R. v. Molyneaux (1980) 72 Cr.App.R. 111, C.A. **Applied,** *R. v. Williams (Kevin)* (1990) 92 Cr.App.R. 158, C.A.

R. v. Moore [1970] R.T.R. 486, C.A. **Applied,** *Director of Public Prosecutions v. Wilson* [1991] R.T.R. 284, D.C.

R. v. Moore [1975] Crim.L.R. 229, C.A. **Distinguished,** *R. v. Le Brun* [1991] 3 W.L.R. 653, C.A.

R. v. Morgan (1988) 10 Cr.App.R. (S.) 192, C.A. **Considered,** *R. v. Pettipher (Note)* [1991] R.T.R. 183, C.A.

R. v. Morgan (Oliver) (Note) [1991] R.T.R. 365, C.A. **Considered,** *R. v. Roberts* [1991] R.T.R. 361, C.A.

R. v. Morris (David) [1984] A.C. 320; [1983] 3 W.L.R. 697; [1983] 3 All E.R. 288; 77 Cr.App.R. 309, H.L.(E.). **Applied,** *R. v. Gomez* [1991] 1 W.L.R. 1334, C.A.

R. v. Mowatt [1968] 1 Q.B. 421; [1967] 3 W.L.R. 1192; [1967] 3 All E.R. 47, C.A. **Applied,** *R. v. Parmenter* [1991] 2 W.L.R. 408, C.A. **Considered,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Mulvihull [1990] 1 W.L.R. 438, 444; 90 Cr.App.R. 372, C.A. **Dictum of Brooke J. considered,** *R. v. Morris (otherwise Williams)* (1990) 93 Cr.App.R. 102, C.A.

R. v. Nanayakkara [1987] 1 W.L.R. 265; [1987] 1 All E.R. 650, C.A. **Followed,** *R. v. King (Hugo)* [1991] 3 W.L.R. 246, C.A. **Approved,** *R. v. Kassim* [1991] 3 W.L.R. 254, H.L.(E.)

R. v. Novac (1976) 65 Cr.App.R. 107, C.A. **Considered,** *R. v. Cannan* (1990) 92 Cr.App.R. 16, C.A.

R. v. O'Brien [1974] 3 All E.R. 663. **Considered,** *R. v. R. (Rape: Marital Exemption)* [1991] 1 All E.R. 747

R. v. O'Connor (1981) 3 Cr.App.R. (S.) 154. **Considered,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

R. v. Parmenter [1991] 2 W.L.R. 408; [1991] 2 All E.R. 225, C.A. **Decision of the Court of Appeal (Criminal Division) reversed** [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Pennington (1985) 81 Cr.App.R. 217, C.A. **Distinguished,** *R. v. Morris (otherwise Williams)* (1990) 93 Cr.App.R. 102, C.A.

R. v. Police Complaints Board, *Ex parte* Madden [1983] 1 W.L.R. 447; [1983] 2 All E.R. 353. **Considered,** *R. v. General Council of the Bar, Ex parte Percival* [1991] 1 Q.B. 212; [1990] 3 W.L.R. 323, D.C.

R. v. Porter [1990] 1 W.L.R. 1260; [1990] 3 All E.R. 784, C.A. **Distinguished,** *R. v. Chrastny (No. 2)* [1991] 1 W.L.R. 1385, C.A.

R. v. R. [1991] 2 W.L.R. 1065; [1991] 2 All E.R. 257, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1991] 3 W.L.R. 767, H.L.(E.)

R. v. R. (Rape: Marital Exemption) [1991] 1 All E.R. 747. **Doubted,** *R. v. J. (Rape: Marital Exemption)* [1991] 1 All E.R. 759. **Not followed,** *R. v. C. (Rape: Marital Exemption)* [1991] 1 All E.R. 755

R. v. Race Relations Board, *Ex parte* Selvarajan [1975] 1 W.L.R. 1686; [1976] 1 All E.R. 12, C.A. **Considered,** *R. v. General Council of the Bar, Ex parte Percival* [1991] 1 Q.B. 212; [1990] 3 W.L.R. 323, D.C.

R. v. Ransford (1894) 31 L.T. 488. **Considered,** *R. v. Rowley* [1991] 1 W.L.R. 1020, C.A.

R. v. Registrar General, *Ex parte* Smith [1990] 2 Q.B. 253; [1990] 2 W.L.R. 980; [1990] 2 All E.R. 129, D.C. **Decision of the Divisional Court of the Queen's Bench Division affirmed** [1991] 2 Q.B. 393; [1991] 2 W.L.R. 782, C.A.

R. v. Reid [1973] Q.B. 299; [1972] 3 W.L.R. 395; [1972] 2 All E.R. 1350, C.A. **Considered,** *R. v. R. (Rape: Marital Exemption)* [1991] 1 All E.R. 747

R. v. Rennie [1982] 1 W.L.R. 64, 69; [1982] 1 All E.R. 385; 74 Cr.App.R. 207, C.A. **Dictum of Lord Lane C.J. applied,** *R. v. Crampton* (1990) 92 Cr.App.R. 369, C.A.

R. v. Richmond upon Thames London Borough Council, *Ex parte* McCarthy & Stone (Developments) Ltd. [1990] 2 W.L.R. 1294; [1990] 2 All E.R. 852, C.A. **Decision of the Court of Appeal reversed** [1991] 3 W.L.R. 941, H.L.(E.)

R. v. Rickard (1918) 13 Cr.App.R. 140, 143. **Dictum of Salter J. considered,** *R. v. Robb* (1991) 93 Cr.App.R. 161

R. v. Roberts (1971) 56 Cr.App.R. 95, C.A. **Approved,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Rodenhurst [1989] R.T.R. 333, C.A. **Distinguished,** *R. v. Chadwick* [1991] R.T.R. 176, C.A.

R. v. Rowell [1978] 1 W.L.R. 132; [1978] 1 All E.R. 665; 65 Cr.App.R. 174, C.A. **Considered,** *R. v. Williams (Kevin)* (1990) 92 Cr.App.R. 158, C.A.

R. v. St. Albans Juvenile Court, *Ex parte* Godman [1981] Q.B. 964; [1981] 2 W.L.R. 882; [1981] 2 All E.R. 311, D.C. **Not followed,** *R. v. Nottingham Justices, Ex parte Taylor* [1991] 3 W.L.R. 694, D.C.

R. v. Samuel [1988] Q.B. 615; [1988] 2 W.L.R. 920; [1988] 2 All E.R. 135; 87 Cr.App.R. 232, C.A. **Applied,** *Director of Public Prosecutions v. McGladrigan* [1991] R.T.R. 297, D.C.; *R. v. McGovern* (1990) 92 Cr.App.R. 228, C.A. **Considered,** *R. v. Chung* (1990) 92 Cr.App.R. 314, C.A.

R. v. Sang [1980] A.C. 402; [1979] 3 W.L.R. 263; [1979] 2 All E.R. 1222, H.L.(E.). **Applied,** *Lam Chi-ming v. The Queen* [1991] 2 A.C. 212; [1991] 2 W.L.R. 1082, P.C.

R. v. Savage (Note) [1991] 2 W.L.R. 418; [1991] 2 All E.R. 220, C.A. **Decision of the Court of Appeal (Criminal Division) affirmed** [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Savage (Note) [1991] 2 W.L.R. 418; [1991] 2 All E.R. 220, C.A. **Not followed,** *R. v. Parmenter* [1991] 2 W.L.R. 408, C.A.

R. v. Sawyer (1980) 71 Cr.App.R. 283, C.A. **Applied,** *R. v. Putnam* (1991) 93 Cr.App.R. 281, C.A.

R. v. Scarrott [1978] Q.B. 1016; [1977] 3 W.L.R. 629; [1978] 1 All E.R. 672, C.A. **Applied,** *Reza v. General Medical Council* [1991] 2 A.C. 182; [1991] 2 W.L.R. 939, P.C.

R. v. Scott [1975] A.C. 819; [1974] 3 W.L.R. 741; [1974] 3 All E.R. 1032, H.L.(E.). **Considered,** *Rous v. Mitchell* [1991] 1 W.L.R. 469, C.A. **Dictum of Lord Diplock disapproved,** *Wai Yu-tsang v. The Queen* [1991] 3 W.L.R. 1006, P.C.

R. v. Secretary of State for Education and Science, *Ex parte* Avon County Council [1991] 1 Q.B. 558; [1991] 2 W.L.R. 702; [1991] 1 All E.R. 282, C.A. **Considered,** *R. v. Secretary of State for the Home Department, Ex parte Muboyayi* [1991] 3 W.L.R. 442, C.A.

R. v. Secretary of State for Home Affairs, *Ex parte* Hosenball [1977] 1 W.L.R. 766; [1977] 3 All E.R. 452, C.A. **Applied,** *R. v. Secretary of State for the Home Department, Ex parte Cheblak* [1991] 1 W.L.R. 890, C.A.

R. v. Secretary of State for the Environment, *Ex parte* Hammersmith and Fulham London Borough Council [1991] 1 A.C. 521; [1990] 3 W.L.R. 898; [1990] 3 All E.R. 589, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 A.C. 521; [1990] 3 W.L.R. 898, H.L.(E.)

R. v. Secretary of State for the Environment, *Ex parte* Hood [1975] Q.B. 891; [1975] 3 W.L.R. 172; [1975] 3 All E.R. 243, C.A. **Considered,** *R. v. Secretary of State for the Environment, Ex parte Burrows* [1991] 2 Q.B. 354; [1990] 3 W.L.R. 1070, C.A.

R. v. Secretary of State for the Environment, *Ex parte* Newham London Borough Council (1987) 85 L.G.R. 737, C.A. **Applied,** *Sheffield City Council v. Yorkshire Water Services Ltd.* [1991] 1 W.L.R. 58

R. v. Secretary of State for the Environment, *Ex parte* Nottinghamshire County Council [1986] A.C. 240; [1986] 2 W.L.R. 1; [1986] 1 All E.R. 199, H.L.(E.). **Applied,** *R. v. Secretary of State for the Environment, Ex parte Hammersmith and Fulham London Borough Council* [1991] 1 A.C. 521; [1990] 3 W.L.R. 898, D.C., C.A. and H.L.(E.); *R. v. Secretary of State for the Environment, Ex parte Avon County Council* (1990) 89 L.G.R. 498, D.C.

R. v. Secretary of State for the Home Department, *Ex parte* Al-Mehdawi [1990] 1 A.C. 876; [1989] 3 W.L.R. 1294, H.L.(E.). **Applied,** *R. v. Bolton Justices, Ex parte Scally* [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239, D.C.

R. v. Secretary of State for the Home Department, *Ex parte* Brind [1991] 1 A.C. 696; [1990] 2 W.L.R. 787; [1990] 1 All E.R. 469, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 A.C. 696; [1991] 2 W.L.R. 588, H.L.(E.)

R. v. Secretary of State for the Home Department, *Ex parte* K. [1990] 1 W.L.R. 168; [1990] 1 All E.R. 703. **Decision of McCullough J. affirmed** [1991] 1 Q.B. 270; [1990] 3 W.L.R. 755, C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Khawaja [1984] A.C. 74; [1983] 2 W.L.R. 321; [1983] 1 All E.R. 765, H.L.(E.). **Distinguished,** *R. v. Secretary of State for the Home Department, Ex parte Muboyayi* [1991] 3 W.L.R. 442, C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Malhi [1991] 1 Q.B. 194; [1990] 2 W.L.R. 932; [1990] 2 All E.R. 357, C.A. **Approved,** *R. v. Secretary of State for the Home Department, Ex parte* Oladehinde [1991] 1 A.C. 254; [1990] 3 W.L.R. 797, H.L.(E.)

R. v. Secretary of State for the Home Department, *Ex parte* Oladehinde [1991] 1 A.C. 254; [1990] 2 W.L.R. 1195; [1990] 2 All E.R. 367, C.A. **Decision of the Court of Appeal affirmed** [1991] 1 A.C. 254; [1990] 3 W.L.R. 797, H.L.(E.)

R. v. Secretary of State for the Home Department, *Ex parte* Puttick [1981] Q.B. 767; [1981] 2 W.L.R. 440; [1981] 1 All E.R. 776, D.C. **Applied,** *R. v. Registrar General, Ex parte Smith* [1991] 2 Q.B. 393; [1991] 2 W.L.R. 782, C.A.

R. v. Secretary of State for the Home Department, *Ex parte* Sattar [1988] Imm.A.R. 190, C.A. **Applied,** *R. v. Secretary of State for the Home Department, Ex parte Bagga* [1991] 1 Q.B. 485; [1990] 3 W.L.R. 1013, C.A.

R. v. Secretary of State for Trade and Industry, *Ex parte* R. [1989] 1 W.L.R. 372; [1989] 1 All E.R. 647, D.C. **Applied,** *Securities and Investments Board v. Financial Intermediaries, Managers and Brokers Regulatory Association Ltd.* [1991] 3 W.L.R. 889

R. v. Secretary of State for Transport, *Ex parte* Factortame Ltd. [1990] 2 A.C. 85; [1989] 2 W.L.R. 997; [1989] 2 All E.R. 692, H.L.(E.). **Considered,** *R. v. Secretary of State for Education and Science, Ex parte Avon County Council* [1991] 1 Q.B. 558; [1991] 2 W.L.R. 702, C.A.

R. v. Secretary of State for Transport, *Ex parte* Factortame Ltd. (No. 2) (Case C213/89) [1991] 1 A.C. 603; [1990] 3 W.L.R. 818; [1991] 1 All E.R. 70, E.C.J. and H.L.(E.). **Applied,** *Kirklees Metropolitan Borough Council v. Wickes Building Supplies Ltd.* [1991] 3 W.L.R. 985, C.A.

R. v. Secretary of State for Transport, *Ex parte* Factortame Ltd. (No. 2) (Case C 213/89) [1989] 2 C.M.L.R. 353, C.A. **Decision of the Court of Appeal reversed** [1991] 1 A.C. 603; [1990] 3 W.L.R. 818, E.C.J. and H.L.(E.)

R. v. Sheffield Crown Court, *Ex parte* Brownlow [1980] Q.B. 530; [1980] 2 W.L.R. 892; [1980] 2 All E.R. 444; 71 Cr.App.R. 19, C.A. **Not followed,** *R. v. McCann* (1990) 92 Cr.App.R. 239, C.A.

R. v. Slack [1989] Q.B. 775; [1989] 3 W.L.R. 513; [1989] 3 All E.R. 90, C.A. **Explained,** *R. v. Hyde* [1991] 1 Q.B. 134; [1990] 3 W.L.R. 1115, C.A.

R. v. Slough Borough Council, *Ex parte* Ealing London Borough Council [1981] Q.B. 801, 816; [1981] 2 W.L.R. 399; [1981] 1 All E.R. 601, C.A. **Dicta of Templeman L.J. considered,** *R. v. Newham London Borough Council, Ex parte Tower Hamlets London Borough Council* [1991] 1 W.L.R. 1032, C.A.

R. v. Smith [1959] 2 Q.B. 35; [1959] 2 W.L.R. 623; [1959] 2 All E.R. 193; 43 Cr.App.R. 121, Ct.-M.A.C. **Considered,** *R. v. Cheshire* [1991] 1 W.L.R. 844; 93 Cr.App.R. 251, C.A.

R. v. Smith (Arthur) (1961) 3 Cr.App.R. (S.) 201. **Considered,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

R. v. Smith (Christopher) (1981) 3 Cr.App.R. (S.) 168. **Considered,** *Attorney-General's Reference (No. 3 of 1990)* (1990) 92 Cr.App.R. 166, C.A.

R. v. Smith (Ian) [1989] 1 W.L.R. 765; [1989] 2 All E.R. 948; 89 Cr.App.R. 235, C.A. **Applied,** *R. v. Comiskey* (1990) 93 Cr.App.R. 227, C.A.

R. v. Southampton Justices, *Ex parte* Green [1976] Q.B. 11; [1975] 3 W.L.R. 277; [1975] 2 All E.R. 1073, C.A. **Considered,** *R. v. Reading Crown Court, Ex parte Bello* (1990) 92 Cr.App.R. 303, C.A.

R. v. Spencer [1987] A.C. 128; [1986] 3 W.L.R. 348; [1986] 3 All E.R. 928; 83 Cr.App.R. 277, H.L.(E.). **Applied,** *R. v. Putnam* (1991) 93 Cr.App.R. 281, C.A.

R. v. Spiby (1990) 91 Cr.App.R. 186, C.A. **Distinguished,** *R. v. Shephard* (1991) 93 Cr.App.R. 139, C.A.

R. v. Spratt [1990] 1 W.L.R. 1073; [1991] 2 All E.R. 210, C.A. **Applied,** *R. v. Parmenter* [1991] 2 W.L.R. 408, C.A. **Overruled,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Steele (1976) 65 Cr.App.R. 22, C.A. **Followed,** *R. v. J. (Rape: Marital Exemption)* [1991] 1 All E.R. 759. **Considered,** *R. v. R. (Rape: Marital Exemption)* [1991] 1 All E.R. 747

R. v. Sullivan [1984] A.C. 156; [1983] 3 W.L.R. 123; [1983] 2 All E.R. 673, H.L.(E.). **Considered,** *R. v. Burgess* [1991] 2 Q.B. 92; [1991] 2 W.L.R. 1206, C.A.

R. v. Tacey (1821) Russ. & Ry. 452. **Considered,** *R. v. Whiteley* (1991) 93 Cr.App.R. 25, C.A.

R. v. Tavernor (Note) [1976] R.T.R. 242, C.A. **Applied,** *R. v. Highbury Corner Stipendiary Magistrates' Court, Ex parte Di Matteo* [1991] R.T.R. 234, D.C.

R. v. Thomas (Kevin) [1983] 1 W.L.R. 1490; [1983] 3 All E.R. 756; [1983] R.T.R. 437, C.A. **Considered,** *R. v. King (Daniel)* [1991] R.T.R. 62, C.A.

R. v. Thompson (Michael) [1984] 1 W.L.R. 962; [1984] 3 All E.R. 565; 79 Cr.App.R. 191, C.A. **Considered,** *R. v. Gordon (Note)* (1987) 92 Cr.App.R. 50, C.A.

R. v. Thomson Newspapers Ltd., *Ex parte* Attorney-General [1968] 1 W.L.R. 1; [1968] 1 All E.R. 268, D.C. **Applied,** *Attorney-General v. Hislop* [1991] 1 Q.B. 514; [1991] 1 Q.B. 514; [1991] 2 W.L.R. 219, C.A.

R. v. Thorne (John) (1977) 66 Cr.App.R. 6, C.A. **Applied,** *R. v. Edwards* [1991] 1 W.L.R. 207, C.A.

R. v. Tonner [1985] 1 W.L.R. 344; [1985] 1 All E.R. 807, C.A. **Applied,** *Williams v. Director of Public Prosecutions* [1991] R.T.R. 214, D.C.

R. v. Toohey [1965] A.C. 595, 609; [1965] 2 W.L.R. 439; [1965] 1 All E.R. 506; 49 Cr.App.R. 148, H.L.(E.). **Dicta of Lord Pearce applied,** *R. v. Weightman* (1990) 92 Cr.App.R. 291, C.A.

R. v. Tower Hamlets London Borough Council, *Ex parte* Chetnik Developments Ltd. [1988] A.C. 858; [1988] 2 W.L.R. 654; [1988] 1 All E.R. 961, H.L.(E.). **Applied,** *Woolwich Equitable Building Society v. Inland Revenue Comrs.* [1991] 3 W.L.R. 790, C.A.

R. v. Turner (Terence) [1975] Q.B. 834, 841; [1975] 2 W.L.R. 56; [1975] 1 All E.R. 70; 60 Cr.App.R. 80, C.A. **Dicta of Lawton L.J. applied,** *R. v. Weightman* (1990) 92 Cr.App.R. 291, C.A.

R. v. United Kingdom [1988] 2 F.L.R. 445, E.C.H.R. **Considered,** *F. v. Wirral Metropolitan Borough Council* [1991] 2 W.L.R. 1132, C.A.

R. v. Uxbridge Justices, *Ex parte* Heward-Mills [1983] 1 W.L.R. 56, 62; [1983] 1 All E.R. 530. **Dictum of McCullough J. considered,** *R. v. Reading Crown Court, Ex parte Bello* (1990) 92 Cr.App.R. 303, C.A.

R. v. Vale of Glamorgan Juvenile Justices, *Ex parte* Beattie (1985) 82 Cr.App.R. 1, D.C. **Considered,** *R. v. Nottingham Justices, Ex parte Taylor* [1991] 3 W.L.R. 694, D.C.

R. v. Vreones [1891] 1 Q.B. 360, 369. **Dictum of Pollock B. considered,** *R. v. Williams (Kevin)* (1990) 92 Cr.App.R. 158, C.A.

R. v. Walsh (1990) 91 Cr.App.R. 161, C.A. **Applied,** *R. v. McGovern* (1990) 92 Cr.App.R. 228, C.A.

R. v. Walters [1979] R.T.R. 220; 69 Cr.App.R. 115, C.A. **Considered,** *R. v. Ismail (Mohammed)* (1990) 92 Cr.App.R. 92, C.A.

R. v. Warner [1969] 2 A.C. 256; [1968] 2 W.L.R. 1303; [1968] 2 All E.R. 356, H.L.(E.). **Distinguished,** *Customs and Excise Comrs. v. Air Canada* [1991] 2 Q.B. 446; [1991] 2 W.L.R. 344, C.A.

R. v. Warwick Crown Court, Ex parte Smalley [1987] 1 W.L.R. 237, 249, 250; 84 Cr.App.R. 51, D.C. **Dictum of Macpherson J. considered,** *R. v. Reading Crown Court, Ex parte Bello* (1990) 92 Cr.App.R. 303, C.A.

R. v. Waterfield [1975] 1 W.L.R. 711; [1975] 2 All E.R. 40; 60 Cr.App.R. 296, C.A. **Considered,** *In re Crook* (1989) 93 Cr.App.R. 17, C.A.

R. v. Wear Valley District Council, *Ex parte* Binks [1985] 2 All E.R. 699. **Distinguished,** *R. v. Manchester City Council, Ex parte King* (1991) 89 L.G.R. 696, D.C.

R. v. West Sussex Quarter Sessions, *Ex parte* Albert and Maud Johnson Trust Ltd. [1974] Q.B. 24; [1973] 3 W.L.R. 149; [1973] 3 All E.R. 289, C.A. **Considered,** *R. v. Bolton Justices, Ex parte Scally* [1991] 1 Q.B. 537; [1991] 2 W.L.R. 239, D.C.

R. v. Wickins (1958) 42 Cr.App.R. 236, 239, C.C.A. **Dictum of Devlin J. applied,** *Agnew v. Director of Public Prosecutions* [1991] R.T.R. 144, D.C.

R. v. Wilmott (1988) 89 Cr.App.R. 341, C.A. **Considered,** *R. v. Cannan* (1990) 92 Cr.App.R. 16, C.A.

R. v. Wilson (Clarence) [1984] A.C. 242; [1983] 3 W.L.R. 686; [1983] 3 All E.R. 448, H.L.(E.). **Followed,** *R. v. Parmenter* [1991] 3 W.L.R. 914, H.L.(E.)

R. v. Wright (Murray) [1969] N.Z.L.R. 1069, 1071. **Dictum of Henry J. applied,** *R. v. P. & O. European Ferries (Dover) Ltd.* (1990) 93 Cr.App.R. 72

R. v. Yuthiwattana (1984) 80 Cr.App.R. 55, C.A. **Approved,** *R. v. Burke* [1991] 1 A.C. 135; [1990] 2 W.L.R. 1313, H.L.(E.)

Rakusen v. Ellis, Munday & Clarke [1912] 1 Ch. 831, C.A. **Applied,** *David Lee & Co. (Lincoln) Ltd. v. Coward Chance (a firm)* [1991] Ch. 259; [1990] 3 W.L.R. 1278

Ramsay (W.T.) Ltd. v. Inland Revenue Comrs. [1982] A.C. 300; [1981] 2 W.L.R. 449; [1981] 1 All E.R. 865, H.L.(E.). **Distinguished,** *Moodie v. Inland Revenue Comrs.* [1991] 1 W.L.R. 930, C.A.

Randolf v. Tuck [1962] 1 Q.B. 175; [1961] 2 W.L.R. 855; [1961] 1 All E.R. 814. **Not followed,** *Wall v. Radford* [1991] 2 All E.R. 741

Rank Film Distributors Ltd. v. Video Information Centre [1982] A.C. 380; [1981] 2 W.L.R. 668; [1981] 2 All E.R. 76, H.L.(E.). **Applied,** *Tate Access Floors Inc. v. Boswell* [1991] Ch. 512; [1991] 2 W.L.R. 304

Ratten v. The Queen [1972] A.C. 378, 387; [1971] 3 W.L.R. 930; [1971] 3 W.L.R. 930; [1971] 3 All E.R. 801. **Dictum of Lord Wilberforce considered,** *R. v. Kearley* (1990) 93 Cr.App.R. 222, C.A.

Ravenscroft v. Rederiaktiebølaget Transatlantic [1991] 3 All E.R. 73. **Doubted,** *Alcock v. Chief Constable of South Yorkshire Police* [1991] 3 W.L.R. 1057, C.A. and H.L.(E.)

Rayner (J. H.) (Mincing Lane) Ltd. v. Department of Trade and Industry [1990] 2 A.C. 418; [1989] 3 W.L.R. 969; [1989] 3 All E.R. 523, H.L.(E.). **Distinguished,** *Arab Monetary Fund v. Hashim (No. 3)* [1991] 2 A.C. 114; [1991] 2 W.L.R. 729, H.L.(E.)

Reed v. Madon [1989] Ch. 408; [1989] 2 W.L.R. 553; [1989] 2 All E.R. 431. **Distinguished,** *In re St. Luke's, Holbeach Hurn* [1991] 1 W.L.R. 16

Regan v. Director of Public Prosecutions [1990] R.T.R. 102, D.C. **Considered,** *Director of Public Prosecutions v. Byrne* [1991] R.T.R. 119, D.C.

Regan v. Williamson [1976] 1 W.L.R. 305; [1976] 2 All E.R. 241. **Applied,** *Cresswell v. Eaton* [1991] 1 W.L.R. 1113

Reincke v. Gary [1964] 1 W.L.R. 832; [1964] 2 All E.R. 687, C.A. **Applied,** *Watson v. Willmott* [1991] 1 Q.B. 140; [1990] 3 W.L.R. 1103

Rena K, The [1979] Q.B. 377; [1978] 3 W.L.R. 431; [1979] 1 All E.R. 397; [1978] 1 Lloyd's Rep. 545. **Applied,** *Pride Shipping Corpn. v. Chung Hwa Pulp Corpn.* [1991] 1 Lloyd's Rep. 126

Rewe-Zentral A.G. v. Bundesmonopolverwaltung fur Branntwein (Case 120/78) [1979] E.C.R. 649, E.C.J. **Considered,** *Stoke-on-Trent City Council v. B. & Q. Plc.* [1991] Ch. 48; [1991] 2 W.L.R. 42

Rich (Marc) & Co. A.G. v. Tourlotti Compania Naviera S.A. [1988] 2 Lloyd's Rep. 101, C.A. **Applied,** *Islamic Republic of Iran Shipping Lines v. Ierax Shipping Co. of Panama* [1991] 1 Lloyd's Rep. 81

Richardson (James) & Sons Ltd. and Minister of National Revenue, *In re* (1984) 9 D.L.R. (4th) 1. **Distinguished,** *New Zealand Stock Exchange v. Comr. of Inland Revenue* [1991] 2 A.C. 464; [1991] 3 W.L.R. 221, P.C.

River Steamer Co., *In re* (1871) L.R. 6 Ch.App. 822, C.A. **Considered,** *In re Cases of Taffs Well Ltd.* [1991] 3 W.L.R. 731

Robinson, *In re* [1930] 2 Ch. 332. **Distinguished,** *In re Finnemore, decd.* [1991] 1 W.L.R. 793

Robinson v. Kitchin (1856) 8 De G.M. & G. 88. **Doubted,** *Tate Access Floors Inc. v. Boswell* [1991] Ch. 512; [1991] 2 W.L.R. 304

Rodriguez v. R. J. Parker [1967] 1 Q.B. 116; [1966] 3 W.L.R. 546; [1966] 2 All E.R. 349. **Considered,** *The Sardinia Sulcis* [1991] 1 Lloyd's Rep. 201, C.A.

Rogers v. Rice [1892] 2 Ch. 170, C.A. **Applied,** *Billson v. Residential Apartments Ltd.* [1991] 3 W.L.R. 264, C.A.

Rolls v. Miller (1884) 27 Ch.D. 71, C.A. **Considered,** *C. & G. Homes Ltd. v. Secretary of State for Health* [1991] Ch. 365; [1991] 2 W.L.R. 715, C.A.

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Roome v. Edwards [1982] A.C. 279; [1981] 2 W.L.R. 268; [1981] 1 All E.R. 736; 54 T.C. 359, H.L.(E.). **Considered,** *Swires v. Renton* (1991) T.C. Leaflet No. 3278

Rösler v. Rottminkel (Case 241/83) [1986] Q.B. 33; [1985] 3 W.L.R. 898; [1985] E.C.R. 99, E.C.J. **Considered,** *Webb v. Webb* [1991] 1 W.L.R. 1410

Routh v. Jones [1947] 1 All E.R. 758, C.A. **Distinguished,** *Clarke v. Newland* [1991] 1 All E.R. 397, C.A.

Rubinstein v. Secretary of State for the Environment (1989) 57 P. & C.R. 111. **Overruled,** *R. v. Secretary of State for the Environment, Ex parte Burrows* [1991] 2 Q.B. 354; [1990] 3 W.L.R. 1070, C.A.

Rush & Tompkins Ltd. v. Greater London Council [1989] A.C. 1280; [1988] 3 W.L.R. 939; [1988] 3 All E.R. 737, H.L.(E.). **Applied,** *Prudential Assurance Co. Ltd. v. Fountain Page Ltd.* [1991] 1 W.L.R. 756

Russon v. Dutton (No. 2) (1911) 104 L.T. 601, D.C. **Applied,** *Cheeseman v. Director of Public Prosecutions* [1991] 2 W.L.R. 1105, D.C.

S. v. H.M. Advocate, 1989 S.L.T. 469. **Followed,** *R. v. C. (Rape: Marital Exemption)* [1991] 1 All E.R. 755. **Applied,** *R. v. R.* [1991] 3 W.L.R. 767, H.L.(E.)

S.L. Sethia Liners Ltd. v. Naviagro Maritime Corpn. [1981] 1 Lloyd's Rep. 18. **Considered,** *Industriebeteiligungs & Handelsgesellschaft v. Malaysian International Shipping Corpn. Berhad* [1991] 2 Lloyd's Rep. 271

St. Barnabas, Kensington, *In re* [1991] Fam. 1; [1991] 2 W.L.R. 447; [1990] 1 All E.R. 169. **Applied,** *In re St. George's, Deal* [1991] Fam. 6; [1991] 2 W.L.R. 452

St. Mary of Charity, Faversham, *In re* [1986] Fam. 143; [1985] 3 W.L.R. 924; [1986] 1 All E.R. 1. **Applied,** *In re St. Botolph's, Bishopsgate* [1991] 1 W.L.R. 28

Sainsbury (J.) Plc. v. O'Connor [1990] S.T.C. 516. **Decision of Millett J. affirmed** [1991] 1 W.L.R. 963, C.A.

Sanders Brothers v. McLean & Co. (1883) 11 Q.B.D. 327, C.A. **Considered,** *Concordia Trading B.V. v. Richco International Ltd.* [1991] 1 Lloyd's Rep. 475

Santos v. Santos [1972] Fam. 247; [1972] 2 W.L.R. 889; [1972] 2 All E.R. 246, C.A. **Considered,** *Holmes v. Mitchell* (1990) T.C. Leaflet No. 3256

Saunders v. Edwards [1987] 1 W.L.R. 1116; [1987] 2 All E.R. 651, C.A. **Considered,** *Pitts v. Hunt* [1991] 1 Q.B. 24; [1990] 3 W.L.R. 542, C.A.

Save Britain's Heritage v. Number 1 Poultry Ltd. (1990) 60 P. & C.R. 539, C.A. **Decision of the Court of Appeal reversed** [1991] 1 W.L.R. 153, H.L.(E.)

Scherer v. Counting Instruments Ltd. (Note) [1986] 1 W.L.R. 615; [1986] 2 All E.R. 529, C.A. **Considered,** *In re Land and Property Trust Co. Plc.* [1991] 1 W.L.R. 601, C.A.

Scott v. Scott [1913] A.C. 417, H.L.(E.). **Considered,** *In re Crook* (1989) 93 Cr.App.R. 17, C.A.

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Seagull Manufacturing Co. Ltd., *In re* [1991] 3 W.L.R. 307. **Considered,** *In re Paramount Airways Ltd.* [1991] 3 W.L.R. 318

Seaward v. Paterson [1897] 1 Ch. 545, C.A. **Considered,** *Attorney-General v. Times Newspapers Ltd.* [1991] 2 W.L.R. 994, H.L.(E.)

Secretary of State for Defence v. Guardian Newspapers Ltd. [1985] A.C. 339, 350; [1984] 3 W.L.R. 986; [1984] 3 All E.R. 601, H.L.(E.). **Considered,** *X Ltd. v. Morgan-Grampian (Publishers) Ltd.* [1991] 1 A.C. 1; [1990] 2 W.L.R. 421, C.A.; [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.). **Dictum of Lord Diplock doubted,** *X Ltd. v. Morgan-Grampian (Publishers) Ltd.* [1991] 1 A.C. 1; [1990] 2 W.L.R. 421, C.A.; [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.)

Secretary of State for Education and Science v. Tameside Metropolitan Borough Council [1977] A.C. 1014; [1976] 3 W.L.R. 641; [1976] 3 All E.R. 665, H.L.(E.). **Distinguished,** *R. v. Secretary of State for the Environment, Ex parte Hammersmith and Fulham London Borough Council* [1991] 1 A.C. 521; [1990] 3 W.L.R. 898, D.C., C.A. and H.L.(E.)

Security Trust Co. v. Royal Bank of Canada [1976] A.C. 503; [1976] 2 W.L.R. 437; [1976] 1 All E.R. 381; P.C. **Applied,** *Abbey National Building Society v. Cann* [1991] 1 A.C. 56; [1990] 2 W.L.R. 832, H.L.(E.)

Sen v. Headley [1990] Ch. 728; [1990] 2 W.L.R. 620; [1990] 1 All E.R. 898. **Decision of Mummery J. reversed** [1991] Ch. 425; [1991] 2 W.L.R. 1308, C.A.

Sevenoaks Stationers (Retail) Ltd., *In re* [1990] B.C.L.C. 668. **Order of Harman J. varied** [1991] Ch. 164; [1990] 3 W.L.R. 1165, C.A.

Sevenoaks Stationers (Retail) Ltd., *In re* [1991] Ch. 164; [1990] 3 W.L.R. 1165; [1991] 3 All E.R. 578, C.A. **Considered,** *In re Samuel Sherman Plc.* [1991] 1 W.L.R. 1070

Sharpe (C.) & Co. Ltd. v. Nosawa & Co. [1917] 2 K.B. 814. **Considered,** *Concordia Trading B.V. v. Richco International Ltd.* [1991] 1 Lloyd's Rep. 475

Shearn, In the Goods of (1880) 43 L.T. 736. **Applied,** *In re White, decd.* [1991] Ch. 1; [1990] 3 W.L.R. 187

Shearson Lehman Brothers Inc. v. Maclaine Watson & Co. Ltd. [1987] 1 W.L.R. 480; [1987] 2 All E.R. 181, C.A. **Considered,** *Schott Kem Ltd. v. Bentley* [1991] 1 Q.B. 61; [1990] 3 W.L.R. 397, C.A.

Shiloh Spinners Ltd. v. Harding [1973] A.C. 691; [1973] 2 W.L.R. 28; [1973] 1 All E.R. 90, H.L.(E.). **Applied,** *Billson v. Residential Apartments Ltd.* [1991] 3 W.L.R. 264, C.A.

Shilton v. Wilmshurst [1990] 1 W.L.R. 373; [1990] S.T.C. 55, C.A. **Decision of the Court of Appeal reversed** [1991] 1 A.C. 684; [1991] 2 W.L.R. 530, H.L.(E.)

Shipping Corpn. of India Ltd. v. NSB Niederelbe Schiffahrtsgesellschaft m.b.H. & Co. [1991] 1 Lloyd's Rep. 77. **Distinguished,** *Chiswell Shipping Ltd. v. National Iranian Tanker Co.* [1991] 2 Lloyd's Rep. 251

Showboat Entertainment Centre Ltd. v. Owens [1984] 1 W.L.R. 384; [1984] I.C.R. 65; [1984] 1 All E.R. 836, E.A.T. **Considered,** *Dhatt v. McDonalds Hamburgers Ltd.* [1991] 1 W.L.R. 527; [1991] I.C.R. 238, C.A.

Simmons (as liquidator of Lionel Simmons Properties Ltd.) v. Inland Revenue Comrs. [1980] 1 W.L.R. 1196; [1980] 2 All E.R. 798; 53 T.C. 461, H.L.(E.). **Applied,** *Kirkham v. Williams* [1991] 1 W.L.R. 863, C.A.

Sinclair-Jones v. Kay [1989] 1 W.L.R. 114; [1988] 2 All E.R. 611, C.A. **Followed,** *Gupta v. Comer* [1991] 1 Q.B. 629; [1991] 2 W.L.R. 494, C.A.

Slater v. Burnley Corpn. (1888) 59 L.T. 636, D.C. **Doubted,** *Woolwich Equitable Building Society v. Inland Revenue Comrs.* [1991] 3 W.L.R. 790, C.A.

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Small v. Smith (1884) 10 App.Cas. 119, 133, H.L.(Sc.). **Dictum of the Earl of Selborne L.C. applied,** *Hazell v. Hammersmith and Fulham London Borough Council* [1991] 2 W.L.R. 372, H.L.(E.)

Smalley, *In re* [1985] A.C. 622; [1985] 2 W.L.R. 538; [1985] 1 All E.R. 769; 80 Cr.App.R. 205, H.L.(E.). **Applied,** *R. v. Central Criminal Court, Ex parte Randle* [1991] 1 W.L.R. 1087, D.C.

Smidth (F. L.) & Co. v. Greenwood [1921] 3 K.B. 583, 593, C.A.; [1922] 1 A.C. 417; 8 T.C. 193, H.L.(E.). **Dicta of Atkin L.J. applied,** *Yates v. GCA International Ltd.* (1991) T.C. Leaflet No. 3262. **Considered,** *R. v. Inland Revenue Comrs., Ex parte Commerzbank A.G.* (1991) T.C. Leaflet No. 3270, D.C.

Smirk v. Lyndale Developments Ltd. [1975] Ch. 317; [1974] 3 W.L.R. 91; [1975] 1 All E.R. 690, C.A. **Applied,** *Colchester Borough Council v. Smith* [1991] Ch. 448; [1991] 2 W.L.R. 540

Smith v. Hamilton [1951] Ch. 174; [1950] 2 All E.R. 928. **Overruled,** *Behzadi v. Shaftesbury Hotels Ltd.* [1991] 2 W.L.R. 1251, C.A.

Smith v. Inner London Education Authority [1978] 1 All E.R. 411, C.A. **Applied,** *R. v. Secretary of State for Transport, Ex parte Factortame Ltd. (No. 2) (Case C 213/89)* [1991] 1 A.C. 603; [1990] 3 W.L.R. 818, E.C.J. and H.L.(E.)

Smith v. Jenkins (1970) 44 A.L.J.R. 78. **Considered,** *Pitts v. Hunt* [1991] 1 Q.B. 24; [1990] 3 W.L.R. 542, C.A.

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Smith's Mortgage, *In re*; Harrison v. Edwards [1931] 2 Ch. 168. **Approved,** *Parker-Tweedale v. Dunbar Bank Plc. (No. 2)* [1991] Ch. 26; [1990] 3 W.L.R. 780, C.A.

Smoker v. London Fire and Civil Defence Authority [1991] 2 W.L.R. 422. **Decision of Auld J. affirmed** [1991] 2 A.C. 502; [1991] 2 W.L.R. 1052; [1991] I.C.R. 449, H.L.(E.)

Sociedade Nacional de Combustiveis de Angola U.E.E. v. Lundqvist [1991] 2 Q.B. 310; [1991] 2 W.L.R. 280; [1990] 3 All E.R. 283, C.A. **Applied,** *Tate Access Floors Inc. v. Boswell* [1991] Ch. 512; [1991] 2 W.L.R. 304

Solle v. Butcher [1950] 1 K.B. 671, 697; [1949] 2 All E.R. 1107, C.A. **Dicta of Denning L.J. applied,** *Killick v. Roberts* [1991] 1 W.L.R. 1146, C.A.

Solomon (A Bankrupt), *In re, Ex parte* Trustee of the Property of the Bankrupt v. Solomon [1967] Ch. 573; [1967] 2 W.L.R. 172; [1966] 3 All E.R. 255. **Applied,** *In re Citro (Domenico) (A Bankrupt)* [1991] Ch. 142; [1990] 3 W.L.R. 880, C.A.

Sotgiu v. Deutsche Bundespost (Case C 152/73) [1974] E.C.R. 153, E.C.J. **Applied,** *Thomas v. Chief Adjudication Officer* [1991] 2 Q.B. 164; [1991] 2 W.L.R. 886, C.A.

Sotiros Shipping Inc. v. Sameit Solholt [1983] 1 Lloyd's Rep. 605, C.A. **Considered,** *Sealace Shipping Co. Ltd. v. Oceanvoice Ltd.* [1991] 1 Lloyd's Rep. 120, C.A.

South Lakeland District Council v. Secretary of State for the Environment [1991] J.P.L. 144. **Decision of Mr. Lionel Read Q.C. sitting as a deputy judge of the Queen's Bench Division reversed** [1991] 1 W.L.R. 1322, C.A.

South Northamptonshire District Council v. Power [1987] 1 W.L.R. 1433; [1987] 3 All E.R. 831, C.A. **Applied,** *Waltham Forest London Borough Council v. Thomas* (1991) 89 L.G.R. 729, C.A.

Southerden, In the Estate of [1925] P. 177, 184, C.A. **Dictum of Warrington L.J. applied,** *In re Finnemore, decd.* [1991] 1 W.L.R. 793

Spiliada Maritime Corpn. v. Cansulex Ltd. [1987] A.C. 460; [1986] 3 W.L.R. 972; [1986] 3 All E.R. 843, H.L.(E.). **Applied,** *In re Harrods (Buenos Aires) Ltd.* [1991] 3 W.L.R. 397, Harman J. and C.A.; *Irish Shipping Ltd. v. Commercial Union Assurance Co. Plc.* [1991] 2 Q.B. 206; [1990] 2 W.L.R. 117, C.A.

Spinney's (1948) Ltd. v. Royal Insurance Co. Ltd. **Considered,** *National Oil Co. of Zimbabwe (Private) Ltd. v. Sturge* [1991] 2 Lloyd's Rep. 281

Spittle v. Bunney [1988] 1 W.L.R. 847; [1988] 3 All E.R. 1031, C.A. **Considered,** *Corbett v. Barking, Havering and Brentwood Health Authority* [1991] 2 Q.B. 408; [1990] 3 W.L.R. 1037, C.A. **Distinguished,** *Cresswell v. Eaton* [1991] 1 W.L.R. 1113

Stafford v. Director of Public Prosecutions [1974] A.C. 878; [1973] 3 W.L.R. 719; [1973] 3 All E.R. 762; 58 Cr.App.R. 256, H.L.(E.). **Applied,** *R. v. McIlkenny* (1991) 93 Cr.App.R. 287

Starkey v. Railway Executive [1951] 2 All E.R. 902, C.A. **Distinguished,** *John Redman Ltd. v. Filecroft Ltd.* [1991] 1 W.L.R. 692, C.A.

Steinberg v. Secretary of State for the Environment (1988) 58 P. & C.R. 453; [1989] 2 P.L.R. 9. **Disapproved,** *South Lakeland District Council v. Secretary of State for the Environment* [1991] 1 W.L.R. 1322, C.A.

Stephens v. Dudbridge Ironworks Co. Ltd. [1904] 2 K.B. 225, C.A. **Applied,** *Black v. Yates* [1991] 3 W.L.R. 90

Stevens v. General Steam Navigation Co. Ltd. [1903] 1 K.B. 890, C.A. **Applied,** *R. v. Secretary of State for Social Security, Ex parte Britnell* [1991] 1 W.L.R. 198, H.L.(E.)

Stewart v. The Law Society [1987] 1 F.L.R. 223. **Approved,** *Watkinson v. Legal Aid Board* [1991] 1 W.L.R. 419, C.A.

Stickney v. Keeble [1915] A.C. 386, H.L.(E.). **Considered,** *Behzadi v. Shaftesbury Hotels Ltd.* [1991] 2 W.L.R. 1251, C.A.

Stilk v. Myrick (1809) 2 Camp. 317. **Distinguished,** *Williams v. Roffey Bros. & Nicholls (Contractors) Ltd.* [1991] 1 Q.B. 1; [1990] 2 W.L.R. 1153, C.A.

Street v. Mountford [1985] A.C. 809; [1985] 2 W.L.R. 877; [1985] 2 All E.R. 289, H.L.(E.). **Considered,** *Colchester Borough Council v. Smith* [1991] Ch. 448; [1991] 2 W.L.R. 540. **Distinguished,** *Norris v. Checksfield* [1991] 1 W.L.R. 1241; [1991] I.C.R. 632, C.A.

Stringer v. Minister of Housing and Local Government [1970] 1 W.L.R. 1281; [1971] 1 All E.R. 65. **Considered,** *R. v. Exeter City Council, Ex parte J. L. Thomas & Co. Ltd.* [1991] 1 Q.B. 471; [1990] 3 W.L.R. 100

Stringfellow v. McCain Foods (G.B.) Ltd. [1984] R.P.C. 501, C.A. **Considered,** *Associated Newspapers Plc. v. Insert Media Ltd.* [1991] 1 W.L.R. 571, C.A.

Sturges v. Bridgman (1879) 11 Ch.D. 852, C.A. **Applied,** *Mills v. Silver* [1991] Ch. 271; [1991] 2 W.L.R. 324, C.A.

Subramanian v. Public Prosecutor [1956] 1 W.L.R. 965, P.C. **Considered,** *R. v. Kearley* (1990) 93 Cr.App.R. 222, C.A.

Suffolk County Council v. Mason [1979] A.C. 705; [1979] 2 W.L.R. 571; [1979] 2 All E.R. 369; 77 L.G.R. 621, H.L.(E.). **Considered,** *R. v. Secretary of State for the Environment, Ex parte Burrows* [1991] 2 Q.B. 354; [1990] 3 W.L.R. 1070, C.A.

Supply of Ready Mixed Concrete, *In re* [1991] I.C.R. 52, R.P.Ct. (E. & W.). **Decision of the Restrictive Practices Court reversed** [1991] 3 W.L.R. 707, C.A.

Svenssons (C. Wilh.) Travaruaktiebolog v. Cliffe Steamship Co. [1932] 1 K.B. 490; 41 Ll. L. Rep. 262. **Applied,** *Exercise Shipping Co. Ltd. v. Bay Maritime Lines Ltd.* [1991] 2 Lloyd's Rep. 391

Sweet v. Parsley [1970] A.C. 132; [1969] 2 W.L.R. 470; [1969] 1 All E.R. 347; 53 Cr.App.R. 221, H.L.(E.). **Considered,** *Cheshire County Council v. Clegg* (1990) 89 L.G.R. 600, D.C.; *National Westminster Bank Plc. v. Arthur Young McClelland Moores & Co. (No. 2)* [1991] 1 W.L.R. 1256. **Distinguished,** *Customs and Excise Comrs. v. Air Canada* [1991] 2 Q.B. 446; [1991] 2 W.L.R. 344, C.A.

Swingcastle Ltd. v. Alastair Gibson (a firm) [1990] 1 W.L.R. 1223; [1990] 3 All E.R. 463, C.A. **Decision of the Court of Appeal reversed** [1991] 2 A.C. 223; [1991] 2 W.L.R. 1091, H.L.(E.)

Sybron Corpn. v. Barclays Bank Plc. [1985] Ch. 299; [1984] 3 W.L.R. 1055. **Applied,** *Tate Access Floors Inc. v. Boswell* [1991] Ch. 512; [1991] 2 W.L.R. 304

Syrett v. Carr & Neave [1990] 2 E.G.L.R. 161. **Disapproved,** *Watts v. Morrow* [1991] 1 W.L.R. 1421, C.A.

Taff Vale Railway Co. v. Amalgamated Society of Railway Servants [1901] A.C. 426, H.L.(E.). **Considered,** *Irish Shipping Ltd. v. Commercial Union Assurance Co. Plc.* [1991] 2 Q.B. 206; [1990] 2 W.L.R. 117, C.A.

Tai Hing Cotton Mill Ltd. v. Liu Chong Hing Bank Ltd. [1986] A.C. 80, 107; [1985] 3 W.L.R. 317; [1985] 2 All E.R. 947, P.C. **Applied,** *Scally v. Southern Health and Social Services Board* [1991] 3 W.L.R. 778; [1991] I.C.R. 771, H.L.(N.I.)

Takaro Properties Ltd. v. Rowling [1978] 2 N.Z.L.R. 314. **Approved,** *Kuwait Asia Bank E.C. v. National Mutual Life Nominees Ltd.* [1991] 1 A.C. 187; [1990] 3 W.L.R. 297, P.C.

Tamworth Borough Council v. Fazeley Town Council (1978) 77 L.G.R. 238. **Applied,** *Newcastle-upon-Tyne City Council v. Noble* (1990) 89 L.G.R. 618

Taylor v. Rajan [1974] Q.B. 424, 431A; [1974] 2 W.L.R. 385; [1974] 1 All E.R. 1087; [1974] R.T.R. 304, D.C. **Dictum of Lord Widgery C.J. applied,** *Agnew v. Director of Public Prosecutions* [1991] R.T.R. 144, D.C.

Telnikoff v. Matusevitch [1991] 1 Q.B. 102; [1990] 3 W.L.R. 725; [1990] 3 All E.R. 865, C.A. **Decision of the Court of Appeal reversed in part** [1991] 3 W.L.R. 952, H.L.(E.)

Texaco Ltd. v. Benton & Bowles Holdings Ltd. (1983) 267 E.G. 355. **Considered,** *Coates Brothers Plc. v. General Accident Life Assurance Ltd.* [1991] 1 W.L.R. 712

Thomas v. Director of Public Prosecutions (Note) [1991] R.T.R. 292, D.C. **Explained,** *Director of Public Prosecutions v. McGladrigan* [1991] R.T.R. 297, D.C.

Thomas v. University of Bradford [1987] A.C. 795; [1987] 2 W.L.R. 677; [1987] I.C.R. 245; [1987] 1 All E.R. 834, H.L.(E.). **Applied,** *R. v. Hull University Visitor, Ex parte Page* [1991] 1 W.L.R. 1277, C.A. **Considered,** *Pearce v. University of Aston in Birmingham (No. 1)* [1991] 2 All E.R. 461, C.A.; *Pearce v. University of Aston in Birmingham (No. 2)* [1991] 2 All E.R. 469

Thompson v. Brown [1981] 1 W.L.R. 744; [1981] 2 All E.R. 296, H.L.(E.). **Considered,** *Halford v. Brookes* [1991] 1 W.L.R. 428, C.A.; *Unitramp S.A. v. Jenson & Nicholson (S.) Pte. Ltd.* [1991] 2 Lloyd's Rep. 121

Thompson v. Truth and Sportsman Ltd. (1932) 34 N.S.W. 21, P.C. **Considered,** *Brent Walker Group Plc. v. Time Out Ltd.* [1991] 2 Q.B. 33; [1991] 2 W.L.R. 772, C.A.

Thornhill v. Attorney-General of Trinidad and Tobago [1981] A.C. 61; [1980] 2 W.L.R. 510, P.C. **Applied,** *Attorney-General of Trinidad and Tobago v. Whiteman* [1991] 2 A.C. 240; [1991] 2 W.L.R. 1200, P.C.

Timmerman's Graan-en Maalhandel en Maalderij B.V. Sachs [1980] 1 Lloyd's Rep. 194. **Overruled,** *Comdel Commodities Ltd. v. Siporex Trade S.A. (No. 2)* [1991] 1 A.C. 148; [1990] 3 W.L.R. 1, H.L.(E.)

Torfaen Borough Council v. B. & Q. Plc. (Case 145/88) [1990] 2 Q.B. 19; [1990] 2 W.L.R. 1330; [1990] 1 All E.R. 129, E.C.J. **Applied,** *Stoke-on-Trent City Council v. B. & Q. Plc.* [1991] Ch. 48; [1991] 2 W.L.R. 42; *W. H. Smith Do-It-All Ltd. v. Peterborough City Council* [1991] 1 Q.B. 304; [1990] 3 W.L.R. 1131, D.C.

Torridge District Council v. Jones (1985) 18 H.L.R. 107. **Distinguished,** *Dudley Metropolitan Borough Council v. Bailey* (1990) 89 L.G.R. 246, C.A.

Tradax Export S.A. v. Italgrani di Francesco Ambrosia [1986] 1 Lloyd's Rep. 112, C.A. **Considered,** *Richco International Ltd. v. Alfred C. Toepfer International G.m.b.H.* [1991] 1 Lloyd's Rep. 136

Tucker (R. C.) (A Bankrupt), *In re, Ex parte* Tucker (K. R.) [1990] Ch. 148; [1988] 2 W.L.R. 748; [1988] 1 All E.R. 603, C.A. **Distinguished,** *In re Seagull Manufacturing Co. Ltd.* [1991] 3 W.L.R. 307

Turner v. Metro-Goldwyn-Mayer Pictures Ltd. [1950] 1 All E.R. 449, H.L.(E.). **Applied,** *Telnikoff v. Matusevitch* [1991] 1 Q.B. 102; [1990] 3 W.L.R. 725, C.A.

Twyford v. Manchester Corpn. [1946] Ch. 236; [1946] 1 All E.R. 621. **Doubted,** *Woolwich Equitable Building Society v. Inland Revenue Comrs.* [1991] 3 W.L.R. 790, C.A.

United Scientific Holdings Ltd. v. Burnley Borough Council [1978] A.C. 904; [1977] 2 W.L.R. 806; [1977] 2 All E.R. 62, H.L.(E.). **Distinguished,** *Spiro v. Glencrown Properties Ltd.* [1991] Ch. 537; [1991] 2 W.L.R. 931

Universe Tankships Inc. of Monrovia v. International Transport Workers Federation (The Universe Sentinel) [1983] 1 A.C. 366; [1982] 2 W.L.R. 803; [1982] 2 All E.R. 67, H.L.(E.). **Considered,** *Dimskal Shipping Co. S.A. v. International Transport Workers Federation* [1991] 3 W.L.R. 875, H.L.(E.)

Vadala v. Lawes (1890) 25 Q.B.D. 310, C.A. **Distinguished,** *House of Spring Gardens Ltd. v. Waite* [1991] 1 Q.B. 241; [1990] 3 W.L.R. 347, C.A.

Vagres Compania Maritima S.A. v. Nissho-Iwai American Corpn. [1988] 2 Lloyd's Rep. 330, C.A. **Applied,** *Ellis Shipping Corpn. v. Voest Alpine Intertrading* [1991] 2 Lloyd's Rep. 599

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Venezolana (C.A.) de Navegacion v. Bank Line Ltd. (The Roachbank) [1988] 2 Lloyd's Rep. 337, C.A. **Not followed,** *Geogas S.A. v. Trammo Gas Ltd.* [1991] 2 Q.B. 139; [1991] 2 W.L.R. 794, C.A.

Ventouris v. Mountain [1990] 1 W.L.R. 1370; [1990] 3 All E.R. 157. **Decision of Saville J. reversed** [1991] 1 W.L.R. 607, C.A.

Vervaeke (formerly Messina) v. Smith [1983] 1 A.C. 145; [1982] 2 W.L.R. 855; [1982] 2 All E.R. 144, H.L.(E.). **Applied,** *E. D. & F. Man (Sugar) Ltd. v. Yani Haryanto (No. 2)* [1991] 1 Lloyd's Rep. 161; [1991] 1 Lloyd's Rep. 429, C.A.

von Colson and Kamann v. Land Nordrhein-Westfalen (Case 14/83) [1984] E.C.R. 1891, E.C.J. **Considered,** *Marshall v. South West Hampshire Health Authority (Teaching) (No. 2)* [1991] I.C.R. 136, C.A.

W. (Minors) (Wardship: Evidence), *In re* [1990] 1 F.L.R. 203, C.A. **Considered,** *R. v. B. County Council, Ex parte P.* [1991] 1 W.L.R. 221, C.A.

WEA Records Ltd. v. Visions Channel 4 Ltd. [1983] 1 W.L.R. 721; [1983] 2 All E.R. 589, C.A. **Considered,** *Bhimji v. Chatwani* [1991] 1 W.L.R. 989

Waddon v. Whitecroft Scovell Ltd. [1988] 1 W.L.R. 309, 313; [1988] 1 All E.R. 996, H.L.(E.). **Applied,** *Coates Brothers Plc. v. General Life Assurance Ltd.* [1991] 1 W.L.R. 712

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Wallersteiner v. Moir [1974] 1 W.L.R. 991; [1974] 3 All E.R. 217, C.A. **Distinguished,** *Patten v. Burke Publishing Co. Ltd.* [1991] 1 W.L.R. 541

Walton v. The Queen [1978] A.C. 788; [1977] 3 W.L.R. 902; [1978] 1 All E.R. 542; 66 Cr.App.R. 25, 30, P.C. **Dictum of Lord Parker C.J. applied,** *R. v. Sanders* (1991) 93 Cr.App.R. 245, C.A.

Wandsworth London Borough Council v. Winder [1985] A.C. 461; [1984] 3 W.L.R. 1254; [1984] 3 All E.R. 976, H.L.(E.). **Applied,** *Doyle v. Northumbria Probation Committee* [1991] 1 W.L.R. 1340

Ward v. James [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455; [1965] 1 All E.R. 568, C.A. **Applied,** *H. v. Ministry of Defence* [1991] 2 Q.B. 103; [1991] 2 W.L.R. 1192, C.A.

Ward v. Weeks (1830) 7 Bing. 211. **Distinguished,** *Slipper v. British Broadcasting Corpn.* [1991] 1 Q.B. 283; [1990] 3 W.L.R. 967, C.A.

Wardle Fabrics Ltd. v. G. Myristis Ltd. [1984] F.S.R. 263. **Considered,** *Bhimji v. Chatwani* [1991] 1 W.L.R. 989

Watt v. Rama [1972] V.R. 353. **Considered,** *B. v. Islington Health Authority* [1991] 1 Q.B. 638; [1991] 2 W.L.R. 501

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Wehner v. Dene Steam Shipping Co. [1905] 2 K.B. 92. **Applied,** *The Rewia* [1991] 2 Lloyd's Rep. 325, C.A.

Weld-Blundell v. Stephens [1920] A.C. 956, H.L.(E.). **Distinguished,** *Slipper v. British Broadcasting Corpn.* [1991] 1 Q.B. 283; [1990] 3 W.L.R. 967, C.A.

Weldon v. Home Office [1990] 3 W.L.R. 465; [1990] 3 All E.R. 672, C.A. **Decision of the Court of Appeal reversed** [1991] 3 W.L.R. 340, H.L.(E.)

Welham v. Director of Public Prosecutions [1961] A.C. 103; [1960] 2 W.L.R. 669; [1960] 1 All E.R. 805, H.L.(E.). **Applied,** *Wai Yu-tsang v. The Queen* [1991] 3 W.L.R. 1006, P.C.

Wellesley (Lord) v. Earl of Mornington (1848) 11 Beav. 180. **Considered,** *Attorney-General v. Times Newspapers Ltd.* [1991] 2 W.L.R. 994, H.L.(E.)

Wellesley (Lord) v. Earl of Mornington (No. 2) (1848) 11 Beav. 181. **Considered,** *Attorney-General v. Times Newspapers Ltd.* [1991] 2 W.L.R. 994, H.L.(E.)

Welsh Irish Ferries Ltd., *In re* [1986] Ch. 471; [1985] 3 W.L.R. 610. **Applied,** *Care Shipping Corpn. v. Itex Itagrani Export S.A.* [1991] 3 W.L.R. 609

Westminster Bank Ltd. v. Hilton (1926) 43 T.L.R. 124, 126, H.L.(E.). **Dictum of Lord Atkinson applied,** *Agip (Africa) Ltd. v. Jackson* [1991] Ch. 547; [1991] 3 W.L.R. 116, C.A.

Westminster Bank Ltd. v. Minister of Housing and Local Government [1971] A.C. 508; [1970] 2 W.L.R. 645; [1970] 1 All E.R. 734, H.L.(E.) **Applied,** *R. v. Exeter City Council, Ex parte J. L. Thomas & Co. Ltd.* [1991] 1 Q.B. 471; [1990] 3 W.L.R. 100

Westminster (Duke) v. Swinton [1948] 1 K.B. 524. **Considered,** *Sealace Shipping Co. Ltd. v. Oceanvoice Ltd.* [1991] 1 Lloyd's Rep. 120, C.A.

Wheaton v. Maple & Co. [1893] 3 Ch. 48, C.A. **Applied,** *Simmons v. Dobson* [1991] 1 W.L.R. 720, C.A.

Whiteley (William) Ltd. v. The King (1909) 101 L.T. 741. **Doubted,** *Woolwich Equitable Building Society v. Inland Revenue Comrs.* [1991] 3 W.L.R. 790, C.A.

Whittal v. Kirby [1947] K.B. 194; [1946] 2 All E.R. 552, D.C. **Applied,** *Agnew v. Director of Public Prosecutions* [1991] R.T.R. 144, D.C.

Williams v. Jones [1972] R.T.R. 4, D.C. **Distinguished,** *Director of Public Prosecutions v. McGladrigan* [1991] R.T.R. 297, D.C.

Williams v. Summerfield [1972] 2 Q.B. 512, 518; [1972] 3 W.L.R. 131; [1972] 2 All E.R. 1334; 56 Cr.App.R. 597, D.C. **Dictum of Lord Widgery C.J. applied,** *R. v. Lewes Crown Court, Ex parte Hill* (1990) 93 Cr.App.R. 60, D.C.

Willis & Co. v. Baddeley [1892] 2 Q.B. 324. **Applied,** *Abu Dhabi National Tanker Co. v. Product Star Shipping Ltd.* [1991] 2 Lloyd's Rep. 508

Williston Steamship Co. v. Andrew Weir & Co. (1925) 22 Ll. L. Rep. 521. **Applied,** *The Rewia* [1991] 2 Lloyd's Rep. 325, C.A.

Winnik v. Dick, 1984 S.L.T. 185. **Applied,** *Pitts v. Hunt* [1991] 1 Q.B. 24; [1990] 3 W.L.R. 542, C.A.

Wong Kam-ming v. The Queen [1980] A.C. 247; [1979] 2 W.L.R. 81; [1979] 1 All E.R. 939, P.C. **Applied,** *Lam Chi-ming v. The Queen* [1991] 2 A.C. 212; [1991] 2 W.L.R. 1082, P.C.

Wood v. British Coal Corpn. [1991] I.R.L.R. 22, C.A. **Decision of the Court of Appeal affirmed** [1991] 2 A.C. 502; [1991] 2 W.L.R. 1052; [1991] I.C.R. 449, H.L.(E.)

Wood v. Cunard Line Ltd. [1989] I.C.R. 398, E.A.T. **Decision of the Employment Appeal Tribunal affirmed** [1991] I.C.R. 13, C.A.

Wood v. Luscombe [1966] 1 Q.B. 169; [1965] 3 W.L.R. 996; [1964] 3 All E.R. 972. **Followed,** *Wall v. Radford* [1991] 2 All E.R. 741

Wood Preservation Ltd. v. Prior [1969] 1 W.L.R. 1077; [1969] 1 All E.R. 364; 45 T.C. 112, C.A. **Distinguished,** *J. Sainsbury Plc. v. O'Connor* [1991] 1 W.L.R. 963, C.A.

Woodhouse v. Hall (1981) 72 Cr.App.R. 39. **Applied,** *R. v. Kearley* (1990) 93 Cr.App.R. 222, C.A.

Woolridge v. Sumner [1963] 2 Q.B. 43; [1962] 3 W.L.R. 616; [1962] 2 All E.R. 978, C.A. **Considered,** *Morris v. Murray* [1991] 2 Q.B. 6; [1991] 2 W.L.R. 195, C.A.

Woolwich Equitable Building Society v. Inland Revenue Comrs. [1989] 1 W.L.R. 137. **Decision of Nolan J. reversed** [1991] 3 W.L.R. 790, C.A.

X Ltd. v. Morgan-Grampian (Publishers) Ltd. [1991] 1 A.C. 1; [1990] 2 W.L.R. 421; [1990] 1 All E.R. 616, C.A. **Decision of the Court of Appeal affirmed in part** [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.)

Yew Bon Tew v. Kenderaan Bas Mara [1983] 1 A.C. 553; [1982] 3 W.L.R. 1026; [1982] 3 All E.R. 833, P.C. **Applied,** *Securities and Investments Board v. Financial Intermediaries, Managers and Brokers Regulatory Association Ltd.* [1991] 3 W.L.R. 889

Young v. Schuler (1883) 11 Q.B.D. 651, D.C. and C.A. **Applied,** *Elpis Maritime Co. Ltd. v. Marti Chartering Co. Inc.* [1991] 1 Lloyd's Rep. 521, C.A. **Distinguished,** *Elpis Maritime Co. Ltd. v. Marti Chartering Co. Inc.* [1991] 3 W.L.R. 330, H.L.(E.)

Z Ltd. v. A-Z and AA-LL [1982] Q.B. 558, 580F-G; [1982] 2 W.L.R. 288; [1982] 1 All E.R. 556, C.A. **Dictum of Eveleigh L.J. applied,** *Attorney-General v. Times Newspapers Ltd.* [1991] 2 W.L.R. 994, C.A.

STATUTES JUDICIALLY CONSIDERED

1677 **Statute of Frauds** (29 Car. 2, c. 3)
s. 4: Elpis Maritime Co. Ltd. v. Marti Chartering Co. Inc. [1991] 3 W.L.R. 330, H.L.(E.)

1833 **Real Property Limitation Act** (3 & 4 Will. 4, c. 27)
s. 14: Browne v. Perry [1991] 1 W.L.R. 1297, P.C.

1837 **Wills Act** (7 Will. 4 & 1 Vict. c. 26)
ss. 9 (as substituted), 21: *In re* White, decd. [1991] Ch. 1; [1990] 3 W.L.R. 187
s. 9(*b*) (as substituted): Wood v. Smith [1991] 3 W.L.R. 514
ss. 15, 20: *In re* Finnemore, decd. [1991] 1 W.L.R. 793

1838 **Judgments Act** (1 & 2 Vict. c. 110)
s. 17: Thomas v. Bunn [1991] 1 A.C. 362; [1991] 2 W.L.R. 27, H.L.(E.)
ss. 17, 18: Westminster City Council v. Wingrove [1991] 1 Q.B. 652; [1991] 2 W.L.R. 708, D.C.
Legal Aid Board v. Russell [1991] 2 A.C. 317; [1991] 2 W.L.R. 1300, H.L.(E.)

1845 **Gaming Act** (8 & 9 Vict. c. 109)
s. 18: Lipkin Gorman (a firm) v. Karpnale Ltd. [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.)

1847 **Town Police Clauses Act** (10 & 11 Vict. c. 89)
s. 28: Cheeseman v. Director of Public Prosecutions [1991] 2 W.L.R. 1105, D.C.

1861 **Offences against the Person Act** (24 & 25 Vict. c. 100)
ss. 20, 47: Reg. v. Parmenter [1991] 2 W.L.R. 408, C.A.; [1991] 3 W.L.R. 914, H.L.(E.)
Reg. v. Savage (Note) [1991] 2 W.L.R. 418, C.A.

1865 **Naval and Marine Pay and Pensions Act** (28 & 29 Vict. c. 73)
ss. 4, 5: Cotgrave v. Cotgrave [1991] 3 W.L.R. 567, C.A.

1870 **Extradition Act** (33 & 34 Vict. c. 52)
ss. 3(1), 8, 9, 10: Reg. v. Governor of Pentonville Prison, *Ex parte* Sinclair [1991] 2 W.L.R. 1028, H.L.(E.)

1876 **Appellate Jurisdiction Act** (39 & 40 Vict. c. 59)
s. 3: Geogas S.A. v. Trammo Gas Ltd. [1991] 1 W.L.R. 776, H.L.(E.)

1882 **Bills of Exchange Act** (45 & 46 Vict. c. 61)
s. 29(1)(*b*): Lipkin Gorman (a firm) v. Karpnale Ltd. [1991] 2 A.C. 548; [1991] 3 W.L.R. 10, H.L.(E.)

1883 **Trial of Lunatics Act** (46 & 47 Vict. c. 38)
s. 2(1) (as amended): Reg. v. Burgess [1991] 2 Q.B. 92; [1991] 2 W.L.R. 1206, C.A.

1906 **Marine Insurance Act** (6 Edw. 7, c. 41)
s. 33(3): Bank of Nova Scotia v. Hellenic Mutual War Risks Association (Bermuda) Ltd. [1991] 2 W.L.R. 1279, H.L.(E.)

1907 **Public Health Acts Amendment Act** (7 Edw. 7, c. 53)
s. 81: Cheeseman v. Director of Public Prosecutions [1991] 2 W.L.R. 1105, D.C.

1925 **Law of Property Act** (15 & 16 Geo. 5, c. 20)
s. 30: *In re* Citro (Domenico) (A Bankrupt) [1991] Ch. 142; [1990] 3 W.L.R. 880, C.A.
s. 146(1): W. G. Clark (Properties) Ltd. v. Dupre Properties Ltd. [1991] 3 W.L.R. 579
s. 146(1)(2): Billson v. Residential Apartments Ltd. [1991] 3 W.L.R. 264, C.A.
Land Registration Act (15 & 16 Geo. 5, c. 21)
ss. 20(1), 23(1), 70(1)(*g*): Abbey National Building Society v. Cann [1991] 1 A.C. 56; [1990] 2 W.L.R. 832, H.L.(E.)
ss. 20(1), 70(1)(*g*): Lloyds Bank Plc. v. Rosset [1991] 1 A.C. 107; [1990] 2 W.L.R. 867, H.L.(E.)

1929 **Infant Life (Preservation) Act** (19 & 20 Geo. 5, c. 34)
s. 1: Rance v. Mid-Downs Health Authority [1991] 1 Q.B. 587; [1991] 2 W.L.R. 159

1930 **Third Parties (Rights against Insurers) Act** (20 & 21 Geo. 5, c. 25)
s. 1(3): Firma C-Trade S.A. v. Newcastle Protection and Indemnity Association; Socony Mobil Oil Inc. v. West of England Shipowners Mutual Insurance Association (London) Ltd. (No. 2) [1991] 2 A.C. 1; [1990] 3 W.L.R. 78, H.L.(E.)

1932 **Rights of Way Act** (22 & 23 Geo. 5, c. 45)
s. 1(1)(8): Attorney-General *ex rel.* Yorkshire Derwent Trust Ltd. v. Brotherton [1991] Ch. 185; [1991] 2 W.L.R. 1, C.A.; [1991] 3 W.L.R. 1126, H.L.(E.)

1933 **Children and Young Persons Act** (23 & 24 Geo. 5, c. 12)
s. 39(1) (as amended): *Ex parte* Godwin [1991] 3 W.L.R. 689, C.A.

1945 **Law Reform (Contributory Negligence) Act** (8 & 9 Geo. 6, c. 28)
s. 1: Pitts v. Hunt [1991] 1 Q.B. 24; [1990] 3 W.L.R. 542, C.A.

1946 **National Health Service Act** (9 & 10 Geo. 6, c. 81)
s. 6(1): Cowan v. Department of Health [1991] 3 W.L.R. 742

1948 **British Nationality Act** (11 & 12 Geo. 6, c. 56)
ss. 12(1)(2)(4), 32(7): Reg. v. Secretary of State for Foreign and Commonwealth Affairs, *Ex parte* Ross-Clunis [1991] 2 A.C. 439; [1991] 3 W.L.R. 146, H.L.(E.)
s. 32(1): Motala v. Attorney-General [1991] 3 W.L.R. 903, H.L.(E.)
Agricultural Holdings Act (11 & 12 Geo. 6, c. 63)
s. 2(1): Colchester Borough Council v. Smith [1991] Ch. 448; [1991] 2 W.L.R. 540
1950 **Arbitration Act** (14 Geo. 6, c. 27)
s. 22: King v. Thomas McKenna Ltd. [1991] 2 Q.B. 480; [1991] 2 W.L.R. 1234, C.A.
s. 27: Comdel Commodities Ltd. v. Siporex Trade S.A. (No. 2) [1991] 1 A.C. 148; [1990] 3 W.L.R. 1, H.L.(E.)
Shops Act (14 Geo. 6, c. 28)
s. 47: Kirklees Metropolitan Borough Council v. Wickes Building Supplies Ltd. [1991] 3 W.L.R. 985, C.A.
Stoke-on-Trent City Council v. B. & Q. Plc. [1991] Ch. 48; [1991] 2 W.L.R. 42
W. H. Smith Do-It-All v. Peterborough City Council [1991] 1 Q.B. 304; [1990] 3 W.L.R. 1131, D.C.
1952 **Prison Act** (15 & 16 Geo. 6 & 1 Eliz. 2, c. 52)
s. 12(1): Reg. v. Deputy Governor of Parkhurst Prison, *Ex parte* Hague [1991] 3 W.L.R. 340, H.L.(E.)
Defamation Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 66)
s. 7(3): Kingshott v. Associated Kent Newspapers Ltd. [1991] 1 Q.B. 88; [1990] 3 W.L.R. 675, C.A.
1954 **Landlord and Tenant Act** (2 & 3 Eliz. 2, c. 56)
s. 10(1): Blatherwick (Services) Ltd. v. King [1991] Ch. 218; [1991] 2 W.L.R. 848, C.A.
1955 **Army Act** (3 & 4 Eliz. 2, c. 18)
s. 181(3) (as amended): Reg. v. Army Board of the Defence Council, *Ex parte* Anderson [1991] 3 W.L.R. 42; [1991] I.C.R. 537, D.C.
1960 **Administration of Justice Act** (8 & 9 Eliz. 2, c. 65)
s. 12(1)(*b*): P. v. Liverpool Daily Post and Echo Newspapers Plc. [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)
s. 13(2): Attorney-General v. Hislop [1991] 1 Q.B. 514; [1991] 2 W.L.R. 219, C.A.
1961 **Land Compensation Act** (9 & 10 Eliz. 2, c. 33)
s. 5, r. (3): Hertfordshire County Council v. Ozanne [1991] 1 W.L.R. 105, H.L.(E.)
s. 5, r. (4): Hughes v. Doncaster Metropolitan Borough Council [1991] 1 A.C. 382; [1991] 2 W.L.R. 16, H.L.(E.)
Factories Act (9 & 10 Eliz. 2, c. 34)
s. 72(1) (as amended): Whitfield v. H. & R. Johnson Tiles Ltd. [1991] I.C.R. 109, C.A.
1963 **London Government Act** (c. 33)
s. 1: Hazell v. Hammersmith and Fulham London Borough Council [1991] 2 W.L.R. 372, H.L.(E.)
1964 **Zambia Independence Act** (c. 65)
s. 3(3): Motala v. Attorney-General [1991] 3 W.L.R. 903, H.L.(E.)
1967 **Misrepresentation Act** (c. 7)
s. 2(1): Royscot Trust Ltd. v. Rogerson [1991] 2 Q.B. 297; [1991] 3 W.L.R. 57, C.A.
Criminal Law Act (c. 58)
s. 6(3): Reg. v. Mearns [1991] 1 Q.B. 82; [1990] 3 W.L.R. 569, C.A.
Criminal Justice Act (c. 80)
s. 59(3)(*a*), 61: Reg. v. Parole Board, *Ex parte* Bradley [1991] 1 W.L.R. 134, D.C.
Abortion Act (c. 87)
ss. 1(1)(*b*), 5(1): Rance v. Mid-Downs Health Authority [1991] 1 Q.B. 587; [1991] 2 W.L.R. 159
1968 **Criminal Appeal Act** (c. 19)
ss. 9, 50(1): Reg. v. Johnson [1991] 2 Q.B. 249; [1990] 3 W.L.R. 745
Firearms Act (c. 27)
s. 5(1)(*b*): Reg. v. Formosa [1991] 2 Q.B. 1; [1990] 3 W.L.R. 1179, C.A.
Theft Act (c. 60)
ss. 1(1), 3(1): Reg. v. Gomez [1991] 1 W.L.R. 1334, C.A.
s. 20(2): Reg. v. Kassim [1991] 3 W.L.R. 254, H.L.(E.)
s. 20(2)(3): Reg. v. King (Hugo) [1991] 3 W.L.R. 246, C.A.
1969 **Children and Young Persons Act** (c. 54)
s. 2(6) (as substituted): Reg. v. B. County Council, *Ex parte* P. [1991] 1 W.L.R. 221, C.A.
1970 **Taxes Management Taxes Act** (c. 9)
s. 20(3)(7) (as substituted): Reg. v. Inland Revenue Comrs., *Ex parte* T. C. Coombs & Co. [1991] 2 A.C. 283; [1991] 2 W.L.R. 682, H.L.(E.)
s. 42(5): Gallic Leasing Ltd. v. Coburn [1991] 1 W.L.R. 1399, H.L.(E.)
Income and Corporation Taxes Act (c. 10)
s. 52(1): Moodie v. Inland Revenue Comrs. [1991] 1 W.L.R. 930, C.A.
s. 109: Andrews v. King [1991] I.C.R. 846
s. 181(1): McMenamin v. Diggles [1991] 1 W.L.R. 1249; [1991] I.C.R. 641
Shilton v. Wilmshurst [1991] 1 A.C. 684; [1991] 2 W.L.R. 530, H.L.(E.)

1970 **Income and Corporation Taxes Act**—*continued*
s. 258: J. Sainsbury Plc. v. O'Connor [1991] 1 W.L.R. 963, C.A.
s. 264(1)(*c*): Gallic Leasing Ltd. v. Coburn [1991] 1 W.L.R. 1399, H.L.(E.)
Equal Pay Act (c. 41)
s. 1(2)(*c*)(3) (as amended): Enderby v. Frenchay Health Authority [1991] I.C.R. 382, E.A.T.

1971 **Finance Act** (c. 68)
s. 41(1): Ensign Tankers (Leasing) Ltd. v. Stokes [1991] 1 W.L.R. 341, C.A.
Immigration Act (c. 77)
ss. 3(1)(*b*), 4(1), 8(3), 19(2), Sch. 2, para. 6(1) (as amended): Reg. v. Secretary of State for the Home Department, *Ex parte* Bagga [1991] 1 Q.B. 485; [1990] 3 W.L.R. 1013, C.A.
s. 3(5)(*a*) (as substituted): Reg. v. Secretary of State for the Home Department, *Ex parte* Oladehinde [1991] 1 A.C. 254; [1990] 2 W.L.R. 1195, D.C. and C.A.; [1991] 1 A.C. 254; [1990] 3 W.L.R. 797, H.L.(E.)
s. 15(1): Reg. v. Secretary of State for the Home Department, *Ex parte* Malhi [1991] 1 Q.B. 194; [1990] 2 W.L.R. 932, C.A.
ss. 15(3), 18(1): Reg. v. Secretary of State for the Home Department, *Ex parte* Cheblak [1991] 1 W.L.R. 890, C.A.
Town and Country Planning Act (c. 78)
ss. 29(1), 36(5), 277(8) (as substituted): The Bath Society v. Secretary of State for the Environment [1991] 1 W.L.R. 1303, C.A.
ss. 29(1), 51(1): Reg. v. Exeter City Council, *Ex parte* J. L. Thomas & Co. Ltd. [1991] 1 Q.B. 471; [1990] 3 W.L.R. 100
s. 56(3) (as amended): Save Britain's Heritage v. Number 1 Poultry Ltd. [1991] 1 W.L.R. 153, H.L.(E.)
s. 277(8) (as substituted): South Lakeland District Council v. Secretary of State for the Environment [1991] 1 W.L.R. 1322, C.A.

1972 **Road Traffic Act** (c. 20)
s. 10(5) (as substituted): Williams v. Director of Public Prosecutions [1991] 1 W.L.R. 1160, D.C.
Defective Premises Act (c. 35)
s. 1: Andrews v. Schooling [1991] 1 W.L.R. 783, C.A.
s. 4(1)(4): McAuley v. Bristol City Council [1991] 3 W.L.R. 968, C.A.
European Communities Act (c. 68)
s. 14: Reg. v. Secretary of State for Transport, *Ex parte* Factortame Ltd. (No. 2) (Case C 213/89) [1991] 1 A.C. 603; [1990] 3 W.L.R. 818, E.C.J. and H.L.(E.)
Local Government Act (c. 70)
s. 111: Hazell v. Hammersmith and Fulham London Borough Council [1991] 2 W.L.R. 372, H.L.(E.)
s. 111(1): Reg. v. Richmond upon Thames London Borough Council, *Ex parte* McCarthy & Stone (Developments) Ltd. [1991] 3 W.L.R. 941, H.L.(E.)
s. 222: Kirklees Metropolitan Borough Council v. Wickes Building Supplies Ltd. [1991] 3 W.L.R. 985, C.A.

1973 **Matrimonial Causes Act** (c. 18)
s. 25 (as substituted): Duxbury v. Duxbury (Note) [1991] 3 W.L.R. 639, C.A.
Gojkovic v. Gojkovic [1991] 3 W.L.R. 621, C.A.
Smith v. Smith (Smith intervening) [1991] 3 W.L.R. 646, C.A.
Finance Act (c. 51)
s. 28, Sch. 12, para. 5: J. Sainsbury Plc. v. O'Connor [1991] 1 W.L.R. 963, C.A.
Powers of Criminal Courts Act (c. 62)
s. 43(1)(1A) (as substituted): Reg. v. Highbury Corner Metropolitan Stipendiary Magistrate, *Ex parte* Di Matteo [1991] 1 W.L.R. 1374, D.C.

1974 **Trade Union and Labour Relations Act** (c. 52)
Sch. 1, para. 19: Ging v. Ellward Lancs Ltd. (Note) [1991] I.C.R. 222, E.A.T.

1975 **Arbitration Act** (c. 3)
ss. 3(2), 5(2)(*f*)(5), 7(1): Hiscox v. Outhwaite [1991] 2 W.L.R. 1321, C.A.; [1991] 3 W.L.R. 297, H.L.(E.)
Social Security Act (c. 14)
ss. 36(4)(*d*), 37(5) (as amended): Thomas v. Chief Adjudication Officer [1991] 2 Q.B. 164; [1991] 2 W.L.R. 886, C.A.
s. 101 (as amended): Chief Adjudication Officer v. Foster [1991] 3 W.L.R. 473, C.A.
Salmon and Freshwater Fisheries Act (c. 51)
ss. 6(1) (as substituted), 41(1): Gray v. Blamey [1991] 1 W.L.R. 47, D.C.
Inheritance (Provision for Family and Dependants) Act (c. 63)
s. 1(1)(*e*)(3): Bishop v. Plumley [1991] 1 W.L.R. 582, C.A.
Sex Discrimination Act (c. 65)
ss. 1(1), 6(2): Berrisford v. Woodward Schools (Midlands Division) Ltd. [1991] I.C.R. 564, E.A.T.
s. 1(1)(*a*), 5(3): Bullock v. Alice Ottley School [1991] I.C.R. 838, E.A.T.

1975 **Sex Discrimination Act**—*continued*
s. 6(4): Barber v. Guardian Royal Exchange Assurance Group (Case C 262/88) [1991] 1 Q.B. 344; [1991] 2 W.L.R. 72, E.C.J.
s. 65 (as amended): Marshall v. Southampton and South West Hampshire Health Authority (Teaching) (No. 2) [1991] I.C.R. 136, C.A.
ss. 65, 66(4): Bradford City Metropolitan Council v. Arora [1991] 2 Q.B. 507; [1991] 2 W.L.R. 1377; [1991] I.C.R. 226, C.A.
Employment Protection Act (c. 71)
s. 99(1): Hough v. Leyland Daf Ltd. [1991] I.C.R. 696, E.A.T.
Children Act (c. 72)
s. 8, Sch. 1, para. 3(1): Watson v. Willmott [1991] 1 Q.B. 140; [1990] 3 W.L.R. 1103
1976 **Fatal Accidents Act** (c. 30)
s. 1(2): Watson v. Willmott [1991] 1 Q.B. 140; [1990] 3 W.L.R. 1103
s. 3(1): Corbett v. Barking, Havering and Brentwood Health Authority [1991] 2 Q.B. 408; [1990] 3 W.L.R. 1037, C.A.
s. 4 (as substituted): Cresswell v. Eaton [1991] 1 W.L.R. 1113
Stanley v. Saddique (Mohammed) [1991] 2 W.L.R. 459, C.A.
Restrictive Trade Practices Act (c. 34)
ss. 1(3), 3(3), 19(1)(*a*)(*c*)(*d*)(*h*): *In re* Agreement between Members of the Institute of Independent Insurance Brokers [1991] I.C.R. 822, R.P.Ct.(E. & W.)
Adoption Act (c. 36)
s. 12(6): *In re* D. (A Minor) (Adoption Order: Validity) [1991] Fam. 137; [1991] 2 W.L.R. 1215, C.A.
s. 51(1): Reg. v. Registrar General, *Ex parte* Smith [1991] 2 Q.B. 393; [1991] 2 W.L.R. 782, C.A.
Finance Act (c. 40)
ss. 61(1), 63(2): Pepper v. Hart [1991] Ch. 203; [1991] 2 W.L.R. 483; [1991] I.C.R. 681, C.A.
Domestic Violence and Matrimonial Proceedings Act (c. 50)
s. 2: Practice Direction (Domestic Violence: Procedure on Arrest) [1991] 1 W.L.R. 278
Race Relations Act (c. 74)
ss. 1(1), 41(1): Hampson v. Department of Education and Science [1991] 1 A.C. 171; [1990] 3 W.L.R. 42, H.L.(E.)
ss. 1(1)(*a*), 3(4): Dhatt v. McDonalds Hamburgers Ltd. [1991] 1 W.L.R. 527; [1991] I.C.R. 238, C.A.
ss. 1(1)(*a*), 4(2)(*b*), 56(1)(*c*): British Gas Plc. v. Sharma [1991] I.C.R. 19, E.A.T.
ss. 1(1)(*a*)(*b*), 3(1): Crown Suppliers (Property Services Agency) v. Dawkins [1991] I.C.R. 583, E.A.T.
ss. 4, 75(8)(9): Reg. v. Army Board of the Defence Council, *Ex parte* Anderson [1991] 3 W.L.R. 42; [1991] I.C.R. 537, D.C.
ss. 4(2), 68(1)(7), 78(1): Barclays Bank Plc. v. Kapur [1991] 2 A.C. 355; [1991] 2 W.L.R. 401; [1991] I.C.R. 208, H.L.(E.)
s. 5(2)(*d*): Tottenham Green Under Five's Centre v. Marshall (No. 2) [1991] I.C.R. 320, E.A.T.
s. 12(1): Post Office Counters Ltd. v. Malik [1991] I.C.R. 355, E.A.T.
ss. 12(1), 54(2): Reg. v. Department of Health, *Ex parte* Gandhi [1991] 1 W.L.R. 1053; [1991] I.C.R. 805, D.C.
ss. 56, 57(4): Bradford City Metropolitan Council v. Arora [1991] 2 Q.B. 507; [1991] 2 W.L.R. 1377; [1991] I.C.R. 226, C.A.
s. 68(1)(7): Sougrin v. Haringey Health Authority [1991] I.C.R. 791, E.A.T.
Sexual Offences (Amendment) Act (c. 82)
s. 1(1): Reg. v. R. [1991] 2 W.L.R. 1065, C.A.; [1991] 3 W.L.R. 767, H.L.(E.)
1977 **Protection from Eviction Act** (c. 43)
s. 1(3): Reg. v. Burke [1991] 1 A.C. 135; [1990] 2 W.L.R. 1313, H.L.(E.)
s. 5(1A) (as amended): Norris v. Checksfield [1991] 1 W.L.R. 1241; [1991] I.C.R. 632, C.A.
Criminal Law Act (c. 45)
ss. 1(1) (as substituted), 2(2)(*a*): Reg. v. Chrastny [1991] 1 W.L.R. 1381, C.A.
National Health Service Act (c. 49)
s. 33(5) (as amended): Reg. v. Department of Health, *Ex parte* Gandhi [1991] 1 W.L.R. 1053; [1991] I.C.R. 805, D.C.
Unfair Contract Terms Act (c. 50)
s. 2(1): Johnstone v. Bloomsbury Health Authority [1991] 2 W.L.R. 1362; [1991] I.C.R. 269, C.A.
s. 10: Tudor Grange Holdings Ltd. v. Citibank N.A. [1991] 3 W.L.R. 750
1978 **Theft Act** (c. 31)
s. 2(1)(*b*): Reg. v. Attewell-Hughes [1991] 1 W.L.R. 955, C.A.

1978 Employment Protection (Consolidation) Act (c. 44)
s. 57(3) (as amended): Morgan v. Electrolux Ltd. [1991] I.C.R. 369, C.A.
s. 62(1)(*b*) (as amended): Jenkins v. P. & O. European Ferries (Dover) Ltd. [1991] I.C.R. 652, E.A.T.
s. 62(1)(*b*)(2)(4) (as amended): Manifold Industries Ltd. v. Sims [1991] I.C.R. 504, E.A.T.
s. 64(1)(*b*): Barber v. Thames Television Plc. [1991] I.C.R. 253, E.A.T.
Brooks v. British Telecommunications Plc. [1991] I.C.R. 286, E.A.T.
s. 67(2): Birmingham Midshires Building Society v. Horton [1991] I.C.R. 648, E.A.T.
Rybak v. Jean Sorelle Ltd. [1991] I.C.R. 127, E.A.T.
Trevelyans (Birmingham) Ltd. v. Norton [1991] I.C.R. 488, E.A.T.
ss. 73(7B), 74(1)(6) (as amended): Chaplin v. H. J. Rawlins Ltd. [1991] I.C.R. 553, E.A.T.
ss. 73(7B), 74(6) (as amended): Polentarutti v. Autokraft Ltd. [1991] I.C.R. 757, E.A.T.
s. 74(1): Lytlarch Ltd. v. Reid [1991] I.C.R. 216, E.A.T.
s. 74(1)(4): Fentiman v. Fluid Engineering Products Ltd. [1991] I.C.R. 570, E.A.T.
ss. 74(1)(6), 75: Walter Braund (London) Ltd. v. Murray [1991] I.C.R. 327, E.A.T.
s. 131: Delaney v. Staples (trading as De Montfort Recruitment) [1991] 2 Q.B. 47; [1991] 2 W.L.R. 627; [1991] I.C.R. 331, C.A.
ss. 133, 140(2)(*e*): Freeman v. Sovereign Chicken Ltd. [1991] I.C.R. 853, E.A.T.
s. 141(2)(5) (as amended): Wood v. Cunard Line Ltd. [1991] I.C.R. 13, C.A.
s. 151(1)(2) (as substituted): Roach v. C.S.B. (Moulds) Ltd. [1991] I.C.R. 349, E.A.T.

Civil Liability (Contribution) Act (c. 47)
s. 7(2): Lampitt v. Poole Borough Council [1991] 2 Q.B. 545; [1990] 3 W.L.R. 179, C.A.

1979 Customs and Excise Management Act (c. 2)
s. 141 (as amended): Customs and Excise Comrs. v. Air Canada [1991] 2 Q.B. 446; [1991] 2 W.L.R. 344, C.A.

Arbitration Act (c. 42)
s. 1(7): Geogas S.A. v. Trammo Gas Ltd. [1991] 2 Q.B. 139; [1991] 2 W.L.R. 794, C.A.
National Westminster Bank Plc. v. Arthur Young McClelland Moores & Co. (No. 2) [1991] 1 W.L.R. 1256

Sale of Goods Act (c. 54)
ss. 13(1), 14(2)(6): Harlingdon and Leinster Enterprises Ltd. v. Christopher Hull Fine Art Ltd. [1991] 1 Q.B. 564; [1990] 3 W.L.R. 13, C.A.
ss. 17, 19(1): Armour v. Thyssen Edelstahlwerke A.G. [1991] 2 A.C. 339; [1990] 3 W.L.R. 810, H.L.(Sc.)

1980 Magistrates' Courts Act (c. 43)
s. 12(1)(*b*)(2)(4)(5): Reg. v. Coventry Justices, *Ex parte* Director of Public Prosecutions [1991] 1 W.L.R. 1153, D.C.
s. 20(3): Reg. v. Brentwood Justices, *Ex parte* Nicholls [1991] 3 W.L.R. 201, H.L.(E.)
s. 24(1): Reg. v. Nottingham Justices, *Ex parte* Taylor [1991] 3 W.L.R. 694, D.C.
s. 97(1): Reg. v. B. County Council, *Ex parte* P. [1991] 1 W.L.R. 221, C.A.

Limitation Act (c. 58)
ss. 11(1)(4)(*b*), 14(1)(*a*)(*b*)(2)(3): Stubbings v. Webb [1991] 3 W.L.R. 383, C.A.
ss. 11(3)(4), 33(1): *In re* Workvale Ltd. [1991] 1 W.L.R. 294
ss. 14, 33: Halford v. Brookes [1991] 1 W.L.R. 428, C.A.
ss. 24(1), 38(1): National Westminster Bank Plc. v. Powney [1991] Ch. 339; [1990] 2 W.L.R. 1084, C.A.

1981 Criminal Attempts Act (c. 47)
ss. 1(1), 4(3): Reg. v. Rowley [1991] 1 W.L.R. 1020, C.A.

Contempt of Court Act (c. 49)
s. 1: Attorney-General v. Hislop [1991] 1 Q.B. 514; [1991] 2 W.L.R. 219, C.A.
s. 4(2): *Ex parte* Central Television Plc. [1991] 1 W.L.R. 4, C.A.
s. 6(*c*): Attorney-General v. Sport Newspapers Ltd. [1991] 1 W.L.R. 1194, D.C.
s. 10: X Ltd. v. Morgan-Grampian (Publishers) Ltd. [1991] 1 A.C. 1; [1990] 2 W.L.R. 421, C.A.; [1991] 1 A.C. 1; [1990] 2 W.L.R. 1000, H.L.(E.)
s. 12: Reg. v. Selby Justices, *Ex parte* Frame [1991] 2 W.L.R. 965, D.C.
s. 19: P. v. Liverpool Daily Post and Echo Newspapers Plc. [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)

Supreme Court Act (c. 54)
s. 18(1)(*a*): *In re* O. (Restraint Order: Disclosure of Assets) [1991] 2 Q.B. 520; [1991] 2 W.L.R. 475, C.A.
s. 18(1)(*f*): *In re* Land and Property Trust Co. Plc. [1991] 1 W.L.R. 601, C.A.
s. 18(1)(*h*): Atlas Maritime Co. S.A. v. Avalon Maritime Ltd. (No. 2) [1991] 1 W.L.R. 633, C.A.
s. 29(3): Reg. v. Central Criminal Court, *Ex parte* Randle [1991] 1 W.L.R. 1087, D.C.
s. 32A (as inserted): Willson v. Ministry of Defence [1991] I.C.R. 595
s. 32(3): Wardens and Commonalty of the Mystery of Mercers of the City of London v. New Hampshire Insurance Co. [1991] 1 W.L.R. 1173
s. 35A (as inserted): Woolwich Equitable Building Society v. Inland Revenue Comrs. [1991] 3 W.L.R. 790, C.A.

1981 **Supreme Court Act**—*continued*
s. 37(1): P. v. Liverpool Daily Post and Echo Newspapers Plc. [1991] 2 A.C. 370; [1991] 2 W.L.R. 513, H.L.(E.)
s. 42(1A) (as inserted): Henry J. Garratt & Co. v. Ewing [1991] 1 W.L.R. 1356, C.A.
s. 42(1A)(*a*) (as inserted): *Ex parte* Ewing [1991] 1 W.L.R. 388, C.A.
s. 54(6): John Redman Ltd. v. Filecroft Ltd. [1991] 1 W.L.R. 692, C.A.
s. 69: H. v. Ministry of Defence [1991] 2 Q.B. 103; [1991] 2 W.L.R. 1192, C.A.
Broadcasting Act (c. 68)
s. 29(3): Reg. v. Secretary of State for the Home Department, *Ex parte* Brind [1991] 1 A.C. 696; [1991] 2 W.L.R. 588, H.L.(E.)
Wildlife and Countryside Act (c. 69)
ss. 53(3)(*c*), 56: Reg. v. Secretary of State for the Environment, *Ex parte* Burrows [1991] 2 Q.B. 354; [1990] 3 W.L.R. 1070, C.A.
1982 **Civil Jurisdiction and Judgments Act** (c. 27)
s. 2(2), Sch. 1, arts. 2, 16(2): Newtherapeutics Ltd. v. Katz [1991] Ch. 226; [1990] 3 W.L.R. 1183
s. 4, Sch. 1, arts. 27(2), 46(2): E.M.I. Records Ltd. v. Modern Music Karl-Ulrich Walterbach G.m.b.H. [1991] 3 W.L.R. 663
s. 34: Black v. Yates [1991] 3 W.L.R. 90
s. 49, Sch. 1, art. 2: *In re* Harrods (Buenos Aires) Ltd. [1991] 3 W.L.R. 397, Harman J. and C.A.
Sch. 1, art. 16(1): Webb v. Webb [1991] 1 W.L.R. 1410
Sch. 1, arts. 17, 18: Kurz v. Stella Musical Veranstaltungs G.m.b.H. [1991] 3 W.L.R. 1046
Local Government (Miscellaneous Provisions) Act (c. 30)
Sch. 3, paras. 2, 4, 6(1): Quietlynn Ltd. v. Southend Borough Council (Case C 23/89) [1991] 1 Q.B. 454; [1991] 2 W.L.R. 611, E.C.J.
Local Government Finance Act (c. 32)
s. 19: Hazell v. Hammersmith and Fulham London Borough Council [1991] 2 W.L.R. 372, H.L.(E.)
Criminal Justice Act (c. 48)
ss. 1, 9: Mason v. Lawton [1991] 1 W.L.R. 322, C.A.
ss. 1(1)(5), 2, 9(1): Reg. v. Selby Justices *Ex parte* Frame [1991] 2 W.L.R. 965, D.C.
s. 1(4)(4A) (as substituted): Reg. v. Mussell [1991] 1 W.L.R. 187, C.A.
Mental Health (Amendment) Act (c. 51)
s. 34(5): Practice Direction (Crime: Costs) [1991] 1 W.L.R. 498
1983 **Mental Health Act** (c. 20)
ss. 42(3), 73(2)(4): Reg. v. Secretary of State for the Home Department, *Ex parte* K. [1991] 1 Q.B. 270; [1990] 3 W.L.R. 755, C.A.
Value Added Tax Act (c. 55)
s. 41: Practice Direction (Taxation: VAT Rate Increase) [1991] 1 W.L.R. 314
1984 **Road Traffic Regulation Act** (c. 27)
ss. 6(1)(3), 122 (as amended): Reg. v. London Boroughs Transport Committee, *Ex parte* Freight Transport Association Ltd. [1991] 1 W.L.R. 828, H.L.(E.)
County Courts Act (c. 28)
s. 40 (as substituted): Practice Direction (County Court: Transfer of Actions) [1991] 1 W.L.R. 643
s. 45(1): Forey v. London Buses Ltd. [1991] 1 W.L.R. 327, C.A.
Trade Union Act (c. 49)
ss. 5(1), 6(3) (as amended): Lenahan v. Union of Construction, Allied Trades and Technicians [1991] I.C.R. 378
Police and Criminal Evidence Act (c. 60)
s. 22: Marcel v. Comr. of Police of the Metropolis [1991] 2 W.L.R. 1118
s. 37: Reg. v. Stafford Justices, *Ex parte* Customs and Excise Comrs. [1991] 2 Q.B. 339; [1990] 3 W.L.R. 656, D.C.
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s. 236(2): Cloverbay Ltd. (Joint Administrators) v. Bank of Credit and Commerce International S.A. [1991] Ch. 90; [1990] 3 W.L.R. 574, C.A.
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